

T H E
S T A T U T E S

A N D

O R D I N A N C E S

O F T H E

I S L E of M A N,

N O W I N F O R C E,

A L P H A B E T I C A L L Y A R R A N G E D.

By T. STOWELL, ADVOCATE. *K*

Most humbly Inscribed
To the Honourable ALEXANDER SHAW, Esq.
LIEUTENANT GOVERNOR and CHANCELLOR
Of the Isle of MAN.

DOUGLAS:
PRINTED BY C. BRISCOE.

1792.



P R E F A C E.

THE Isle of Man, or, as it was anciently called, The Kingdom of Man, though generally tributary to, or feudally dependant on, one or other of the British Crowns, was never annexed to either, nor to any other Realm; and has, from Time immemorial, enjoyed otherwise, and within itself, a Free Constitution.

The Feudal System, which at one Time prevailed over all, or the greatest Part of Europe, though in some Degree adopted in the Isle of Man, was never experienced there in the Rigor, or Strictness, with which it was attended in other Countries: at least, this much may be said with Certainty, that the People of this Island, under a Legislature entirely their own, have, from the earliest Period to which the History of the Island can be traced, claimed and enjoyed the Privilege of being governed by Laws of their own making, or consented to by themselves, or their constitutional Representatives. The Legislature of the Island was composed, (as it is at this Day) of three Estates: viz. the Sovereign, the Governor and Council, and the Twenty-four Keys, the direct and constitutional Representatives of the People: and this Legislature did, and doth, possess the Power of making Laws as compleatly binding within it's Jurisdiction, as the Legislature of any Country whatever. The three Estates, or the latter two of them, being assembled upon public Affairs, were, and now are, stiled a Tynwald Court; and the Laws passed by the Legislature of this Island, were and are called Acts of Tynwald; which Acts of Tynwald, before they become binding and have the Force of a Law, must, according to immemorial usage, be promulged at a certain Place near the Centre of the Island, called the Tynwald Hill.

The Sovereignty of the Isle of Man has, for some Centuries past, been vested in different noble Families, by successive Grants from the Kings of England, claiming as Lords Paramount, but who did not otherwise interfere in the interior Government

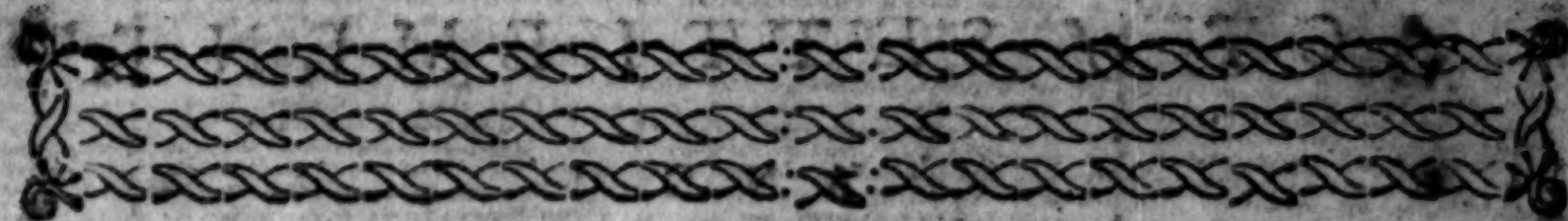
Government of the Island. All Laws were made, Money coined, Delinquents pardoned, &c. &c. in the Name of the subordinate or feudatory Sovereign: But in the fifth Year of the Reign of his present Majesty, the Sovereignty was re-vested in the Crown, by an Act of Parliament called the Re-vesting Act. The People of the Island were, at first, exceedingly alarmed at the Change of Affairs in Consequence of the Re-vestment; but Experience has taught them to regard it now as the greatest Blessing. The Sovereign of this Island anciently bore the Title of King of Man; but that Title was given up, or declined, through Motives of Delicacy or Prudence, some Centuries ago, and the Sovereign of the Island thereupon assumed, and ever after, until the Re-vestment, bore the Title of Lord of Man and the Isles.

It may be deemed a Matter of no small Surprize, that the Statute-Laws, or Acts of Tynwald of the Isle of Man, (except a few lately passed) have never heretofore been printed and published: This is saying enough for the Utility of the present Publication.

In the following Work a Distinction is made between Statutes and Ordinances. By Statutes, the Publisher would be understood to mean such Acts as have been made and passed by the three Estates of the Legislature before-mentioned: and by Ordinances, certain Orders and Resolutions, which have, from Time to Time, been made by separate Branches of the Legislature, and which have been received and used as Laws, and are retained in use and Force at this Day. These Ordinances were frequent in ancient Times. They are, properly speaking, a Part of the Common Law, and are in Force no further than they have been sanctioned by, or retained in, use; yet being pretty numerously interspersed and recorded amongst the Statutes, and frequently mentioned and referred to in and by the Statutes, the Publisher apprehended that a Publication of the Statutes without such of the Ordinances as are still in Force, would be incomplete.

26 JA 66

T H E



THE
STATUTE-LAWS
OF THE
ISLE of MAN,
ALPHABETICALLY ARRANGED.

ABBEY LANDS.

[See *Act of Settlement.*]

A C C O U N T.

ACcount to be served on Def. **N**O Party, or Parties, Plaintiff, shall recover any Debt, or Demand, unless he or they shall serve the Defendant, or Defendants, with an Account, or State of his or their Claim, or Demand, three Days, at least, before the hearing of the Cause, by the Deemster, or High-Bailiffs, or any of them.

Statute
1777.

Actions of Account when and where to be commenced.—[See *Action personal.*]

A

ACT

ACT of SETTLEMENT,

Statute

1704.

AND

ACT explanatory thereof.

An ACT for the perfect Settling, and Confirmation of the Estates, Tenures, Fines, Rents, Suits, and Services of the Tenants of the Right Honourable JAMES, Earl of Derby, within the Isle of Man, passed at a Tynwald Court, holden at St. John's Chapel, within the said Isle, the fourth Day of February, in the Year of our Lord 1703, by the said JAMES, Earl of Derby, Lord of the said Isle; ROBERT MAWDSLEY, Esq, Governor; and the Rest of his said Lordship's Officers; and Twenty-four Keys, the Representatives of the said Isle.

WHEREAS several Disputes, Questions, and Differences have heretofore arisen and been contested between the Lords of the said Isle and their Tenants, touching their Estates, Tenures, Fines, Rents, Suits, and Services, to the great Prejudice of the Lords, and Impoverishment of the Tenants and People there, who, by that Means, have been discouraged from making such Improvements as their Estates were and are capable of: For the absolute and perpetual ascertaining whereof, and the avoiding all Ambiguities, Doubts, and Questions that may or might, at any Time hereafter, arise, or grow, touching or concerning the same, Proposals were made unto the said JAMES, Earl of Derby, now Lord of the said Isle, at LATHOME, the 8th Day of September last past, by EWAN CHRISTIAN, of Unerigg, in the County of Cumberland, Esq; JOHN STEPHENSON, of Balladoole; and EWAN CHRISTIAN, of Lewage, within the said Isle, Gentlemen: who, (by an Instrument under the Hands

of the Twenty-four Keys, now remaining upon Record,) were impowered to treat concerning the same, as well for and on Behalf of themselves, as all and every the Tenants within the said Isle, in Manner following:

Statute
1704.

Tenures
con-
firmed.

FIRST, That in Case his Lordship would be pleased to declare and confirm unto his Tenants their ancient customary Estates of Inheritance in their respective Tenements, descendable from Ancestor to Heir, according to the Laws and Customs of the said Isle, that then the said Tenants should, in Consideration thereof, advance and pay unto his said Lordship, the same Fines which they severally and respectively paid for their several and respective Tenements, at the general Fining, which was in or about the Year of our Lord 1643: except where any Tenant, or Tenants have, or hath one or more Life, or Lives in Being; and that then, and in such Case, he or they should severally and respectively pay two Thirds, only, of the said general Fine, for their respective Tenements.

Aliena-
tion
Fines.

SECONDLY, That upon the Change of any Tenant, by Death or Alienation, the next succeeding Heir or Alienee, should pay unto the Lord of the said Isle for the Time being, the third Part of the said entire Sum, which was paid for a Fine, at the said general Fining, in Manner following:---that is to say, In Case of the Change of a Tenant by Death, then the said Fine should be paid within twelve Months after the Death of such Tenant: and in Case of the Change or Removal of a Tenant by Alienation, then the same should be paid immediately after such Alienation, made proportionably to the Lands and Tenements which should descend, or be aliened; and this to continue forever hereafter, as a fixed and certain Fine, upon every Descent and Alienation. PROVIDED, nevertheless, that all Intracks,

Intacks,
&c.

Statute
1704.

Cottages, and Mills, which, by the Laws and Customs of the said Isle, were and are reputed Chattels, might be chargeable with Debts, and deviseable by Gift, Grant, Will, or Assignment, as formerly accustomed, paying such Fines respectively, as were paid at the general Fining aforesaid : *To wit*, The whole Fine where there were no Lives in Being, and two Parts thereof only where there were and still are one or two Lives in Being ; and a third Part of the said general Fine, forever hereafter, upon every Descent or Alienation, as aforesaid.

Abbey
Tenants

THIRDLY, That the Tenants of the Abbey Lands, as well as the Lord's Tenants, should be included in the said Proposals, they and every of them paying the same Fines that were agreed for, upon their late Compositions, or Leases, made in or about the Year of our Lord 1666, (except such as have one or more Life or Lives yet in Being, to pay two Parts, only, of the said Fine now,) and a third Part thereof always afterwards, upon the Admittance of a new Tenant, either upon Death, or Alienation, as aforesaid ; and also yielding, paying, performing, and doing the annual Rents, Customs, Suits and Services, as formerly and anciently accustomed ; and that the Tithes arising out of the Abbey Demesnes, and reserved by JAMES, late Earl of Derby, upon the Composition by him made, in the Year 1643 ; and afterwards by CHARLES, late Earl of Derby, granted to Bishop BARROW, (since deceased,) and his Successors, for the Use of the Clergy of the said Isle, should be reserved, and forever hereafter payable to them.

Chief
Rents.

FOURTHLY, That the double Rents of the Quarterlands, as they were then payable, together with all other Rents, Suits, and Services, payable out of those, or any other Estates within the

the said Isle, should be reserved and payable forever hereafter, as formerly, to the said JAMES, Earl of *Derby*, his Heirs and Assigns, or to such other Person, or Persons, as, for the Time Being, should be Lord of the said Isle; and that the ancient Boons and Carriages, payable by the respective Tenants, should be considered at a Tynwald Court.

Boons
and Car-
riages.

FIFTHLY, That if any Tenant should then after pass away any Part of his Estate, either to any of his Children, or other Person whatsoever, by Gift, Grant, Assignment, or any other Deed, or Contract, whatsoever, whereby to divest himself of the Premises, that the same should be esteemed and accounted as an Alienation within the Intendment of the said Proposals: or if any Tenant who then had mortgaged, or should thence after mortgage all, or any Part of his Messuages, Lands, Tenements, Mills, Cottages, Intacks, or other Hereditaments, unto any Person, and should not actually redeem the same to his own proper Use, within the Space of five Years next after the Commencement of the said Mortgage, that then such Mortgage, should be likewise looked upon, and reputed as an Alienation; and the Mortgagor should be admitted Tenant, and his Name entered into the Court Rolls, and should pay the third Part of the general Fine, charged and chargeable upon the said Messuages, Lands, Tenements, Mills, Cottages, Intacks, and Hereditaments so mortgaged, or to be mortgaged, as aforesaid: PROVIDED, nevertheless, that the Mortgager shall have the Power and Liberty of Redemption still remaining in him, and is to be restored to the Possession of the Premises, by Law or Order of the Court of Chancery, as the Matter will appear in Equity; so that the same may be done within the Space of one and twenty Years from the Date of the said Mortgage, and not otherwise.

Aliena-
tion.

Mort-
gage.

Statute
1704.

therwise. And that all Bills of Mortgage already made or hereafter to be made, shall be entered into the Records within six Months after the passing of the said Proposals into a Law, or within six Months next after such Bills of Mortgage were executed, otherwise such Bills to be of no Effect in the Law.

Statute
1704.

Intacks,
&c.

SIXTHLY, That all new Intacks, or Inclosures, taken out of the Commons, and all Mills erected since the Year 1643, that had not paid any Fines, should have a reasonable Fine set upon them by the Governor, three of the Lord's Officers, and three of the Twenty-four Keys, to be appointed for that Purpose; and that the Fines so set by them, should be paid within six Months next after the setting thereof; and that the third Part of the said Fine so to be set as aforesaid, should, forever hereafter, be paid upon the Change of every Tenant, by Death, Alienation, or Mortgage, as aforesaid.

SEVENTHLY, That all Intacks, or Mills, which should then after be inclosed, or erected, should pay such Fine and Fines as should be agreed on by the Governor, and Lord's Officers, and that to be likewise a fixed and certain Fine, to be forever hereafter paid by the Tenants of the same, upon every Descent, or Alienation, in Manner aforesaid.

EIGHTLY, And that all such Intacks, and Cottages as had been taken out of the High-ways adjoining the Quarterlands, or other Estates, but not belonging to the same, should not, nor were not intended to be included in the said Proposals; but that such Intacks and Cottages, (being complained of as great Nuisances,) should be referred to the Consideration of a Tynwald Court, to determine where the Rents and Fines of, and for such Intacks and Cottages, might most conveniently be fixed.

NINTHLY,

Lough-
Mallow.

Statute
1704

NINTHLY, That whereas the Fine lately paid out of the Estate called *Lough-Mallow* and *Dry-Closes*, was not comprized in the general Fining in the said Year 1643, the same being since that Time leased by the Right Honourable CHARLES, late Earl of Derby, it was therefore, (upon special Consideration had,) proposed that the said Estate should only pay one Hundred and twenty Pounds for the present Fine: but if any of the Lives nominated in the said Lease, made thereof by the said late Earl CHARLES, should be found to be still in Being, then only two third Parts of the said one Hundred and twenty Pounds should be paid as a present Fine; and a third Part of the said one Hundred and twenty Pounds should, forever hereafter, be paid as a fixed and certain Fine, upon the Change of any Tenant, by Death, Alienation, or Mortgage, as aforesaid.

Fines
payable
in
Manks
Curren-
cy.

TENTHLY, That the present Fines should be accepted and received according to the Currency of Money then within the said Isle; and that one third Part thereof, should be paid within six Months next, after the passing of this Act: another third Part should be paid at the End of twelve Months now next ensuing: and the last Payment to be made within six Months then next following: so that the Whole should be paid within eighteen Months next after the passing of this Act.

Entries
by the
Setting
Quest.

ELEVENTHLY, That the ancient Rents, (except only of such Lands as were then in the Lord's Hands,) should, for the Future, be preserved by the Setting Quest; and that the Tenants' Names should be entered in the Court Rolls, as formerly; and that when any Tenant should come to any Estate, by Death, Alienation, or Mortgage, such Tenant should be obliged to give Notice thereof, to the Setting Quest of the Parish where such Estate

8

Estate lay, some Time before the next Sheading Statute
Court that should be holden after he became Te- 1704.
nant to the said Estate, to the Intent that the said
Inquest might present the said Tenant's Name to
the Court (which they should upon Oath, be ob-
liged to do, at every Sheading Court, as oft as
any such should happen) to the End that such Te-
nant's Name might be entered upon Record, either
by himself, or some other Person in his Behalf,
whereby the Lord's Fines might be had and re-
ceived, at such Time, and in such Manner as are
herein before, for that Purpose, limited and ap-
pointed, without Fraud or Concealment; and if
the said Tenant should refuse, or fail to have his
Name entered accordingly, at the said Court, that
then such Tenant so refusing, or neglecting,
should be fined three Pounds to the Lord, for the
Time being; and that upon the Change of any
Tenant, by Death, Alienation, or Mortgage, one
single Person, and no more, should be admitted,
unless he became Tenant in the Right of his
Wife, and not otherwise.

AND LASTLY, That all the before mentioned
Proposals, and every Matter and Thing therein
contained, should forthwith be passed into a Law,
and confirmed by the Authority of a Tynwald
Court, saving always to the Lord all such Royal-
ties and Regalties, in and concerning the Premises,
as were invested in his Lordship by Virtue of his
Prerogatives within the said Isle. And the said
JAMES, Earl of Derby, out of his great Zeal and
Care for the Welfare and Quiet of his People,
and to the End that such Establishment might
be treated and agreed upon, as might complete
and forever confirm a constant mutual Love and
Friendship, between the Lords of the said Isle
and their People, did nominate and appoint the
forenamed ROBERT MAWDESLEY, THOMAS, Lord
Bishop

Bishop of Sodor and Man, and NICHOLAS STARRIE, Esquire, Commissioners, to treat and consult with the said EWAN CHRISTIAN, JOHN STEPHENSON, and EWAN CHRISTIAN, of *Lewaige*, concerning the said Proposals, which were consented and agreed unto by all Parties commissioned for that Purpose, (as in and by the said Proposals, enrolled and remaining on Record, in the Comptroller's Office, within the said Isle, more at large, it doth and may appear,) and the said Right Honourable JAMES, Earl of *Derby*, and all and singular the Tenants and Inhabitants within the said Isle, and Members of the same, are contented and well pleased that the said Proposals, and all Things therein contained, shall be ratified and confirmed by an Act of Tynwald Court.

Statute
1704.

The
aforesaid
Propo-
sals pas-
sed into
a Law.

MAY it therefore please your Lordship, That it may be Enacted, and be it Enacted by the said JAMES, Earl of Derby, now Lord of the said Isle, by and with the Advice and Consent of the said Governor, and the Rest of his said Lordship's Officers, and by the Twenty-four Keys in this present Tynwald Court assembled, and by the Authority of the same, that the said Proposals, and every Clause, Article, Sentence, Matter, and Thing in the same contained, shall stand and be ratified, allowed, approved of and confirmed by the Authority of this present Tynwald Court; and that the said Proposals shall stand and be of Force to bind and conclude, as well the said JAMES Earl of Derby, his Heirs, and Assigns, and all Persons claiming, or to claim from, by, or under him or them, or to his Use, or in Trust for him, as the said EWAN CHRISTIAN, JOHN STEPHENSON, and EWAN CHRISTIAN of *Lewaige*, and all and singular other the Tenants and Inhabitants within the said Isle, their and every of their Heirs and Assigns, and all Persons claiming, or to claim from

from, by, or under them, or any of them, or to or for their Use, or in Trust, for them or any of them, in all Things, according to the Purport, Effect, and true Meaning of the said Proposals; and that every Clause, Article, Sentence, Matter and Thing in the said Proposals contained, shall forever hereafter, stand, be, and remain, and be adjudged and taken to be of such and the same Force and Effect, to all Intents and Purposes, as if the said Proposals and every Clause, Article, Sentence, Matter, and Thing therein contained, were especially and particularly herein again expressed and repeated, and by the Authority of this present Court ENACTED.

Statute
1704.

Tenures
con-
firmed.

And be it further ENACTED, ORDAINED, and DECLARED, by the Authority aforesaid, that all Estates made, or to be made of any Messuages, Lands, Tenements, and Hereditaments within the said Isle, or Members of the same, to any Person or Persons, and his and their Heirs shall be, and shall be adjudged, esteemed, and taken from the making or granting of such Estates, to be good and perfect customary Estates of Inheritance, descendable from Ancestor to Heir, according to the Laws and Customs of the said Isle, (except such as are reputed Chattels, as is before mentioned;) and that all and every such Person and Persons, to whom any such customary Lands, Tenements, or Hereditaments, are, or shall be granted to him, and his Heirs, according to the Laws and Customs of the said Isle, shall be, and shall be adjudged, esteemed, and taken, and are hereby declared to be seized thereof, as of good and perfect customary Estates of Inheritance, to them and their Heirs descendable from Ancestor to Heir, according to the Customs of the said Isle; and that all and every the said Tenants of and within the said Isle, and Members of the same, as well all Tenants in Possession, as in Reversion,
and

and Remainder particularly or generally named, mentioned, or intended to be Parties to the said Proposals and not hereby excluded, their and every of their respective Heirs, and Assigns, shall and may from henceforth forever, quietly and peaceably have, hold, and enjoy all their respective Messuages, Lands, Tenements, and Hereditaments, with their and every of their Appurtenances, to them and to their Heirs severally and respectively, as customary Tenants of and within the said Isle, against the said JAMES, Earl of Derby, his Heirs, and Assigns, and against all and every other Person, or Persons, claiming, or to claim from, by, or under him, them, or any of them: All and singular the Tenants within the said Isle and Members of the same, their Heirs, and Assigns, and all and every other Person or Persons claiming, or to claim, from, by, or under them, or any of them, respectively yielding, paying, performing, and doing unto the said JAMES, Earl of Derby, his Heirs, and Assigns, and all and every other the Lords of the said Isle for the Time being, such yearly Rents, Boons, Suits, and Services, as herein before are mentioned, and which now are or heretofore have been usually paid and performed; and also paying unto the said JAMES, Earl of Derby, his Heirs, and Assigns, such general and other Fines certain, as in the said Proposals are also, for that Purpose, particularly mentioned and expressed: Saving always unto the said JAMES, Earl of Derby, his Heirs, and Assigns, and unto all and every other Person and Persons, that shall, at any Time hereafter, become Lords of the said Isle, all such Royalties, Regalia, Prerogatives, Homages, Fealties, Escheats, Forfeitures, Seizures, Mines, and Minerals of what Kind and Nature soever, Quarries, and Dells of Flag, Slate, and Stone, Franchises, Liberties, Privileges, and Jurisdctions whatsoever,

as

Regal-
ties fa-
ved to
the
Lord.

General
saving
Clause.

as now are, or at any Time heretofore have been invested in the said JAMES, Earl of Derby, or in any of his Ancestors, Lords of the said Isle; and saving, nevertheless, to all and every Person and Persons, Bodies politic and corporate, their Heirs, and Successors, (other than the said JAMES Earl of Derby, his Heirs, and Assigns,) all such Actions, Estate, Right, Title, Interest, Use, Trust, Claim, and Demand whatsoever, in Law or Equity, as they or any of them have, may, should, or ought to have of, into, or out of the said Isle, or any Part thereof, and in such Sort and Manner, as if this Act had never been made: PROVIDED that such Person or Persons, their Heirs, Executors, and Administrators, do yield, pay, perform and do unto the said JAMES, Earl of Derby, his Heirs and Assigns, and to all and every other the Lords of the said Isle, for the Time being, the several yearly Rents, Boons, Suits, and Services, that have been accustomed and usually paid for the Estates which they or any of them shall or may make any Claim or Title to, and do also pay unto the said Lord and Lords of the said Isle, for the Time being, all such Fines certain for the same, and in such Manner and Form as in the said Proposals are particularly mentioned and agreed unto, and not otherwise. And it is further PROVIDED, that nothing in the said Saving shall impeach or be prejudicial to or be construed to impeach or be prejudicial to the Settlement of the Nature and Quality of the Estates, Tenures, Fines, Rents, Suits, and Services which hereby, and by the said Proposals, are agreed upon and intended to be ENACTED, GRANTED and CONFIRMED; any Thing in the said Saving to the contrary notwithstanding.

Statute
1704.

NOTE, That it is agreed and consented unto by the Governor, Officers, and twenty-four Keys
aforesaid,

Military
Service.

aforesaid, at the signing hereof, that this Act shall be no Way construed and taken to free and discharge the Tenants and Inhabitants of this Isle from giving their best Assistance or Supply for the Defence of this Isle in Time of War or imminent Danger, in such Manner as shall be agreed upon by the Governor, Officers, and Twenty-four Keys of the Island, for the Time being, as Occasion and Necessity will require.

Statute
1704.

The Assent of JAMES, Earl of Derby, then Lord of Man and the Isles, was given, in usual Form, to the before-going Act, excepting the Clause therein contained respecting the Tithes of the Abbey Demesnes; and the said Act was promulged upon the Tynwald Hill, in usual Form, the 6th. of June, 1704.

INSULA } ACTS likewise passed by the Right
MONÆ. } Honourable JAMES, Earl of Derby,
Lord of the said Isle, and by his Governor, Officers, and twenty-four Keys, the Representatives thereof, at the before mentioned COURT of TYNWALD, holden the fourth Day of February, Anno Domini 1703.

Act Ex-
plana-
tory.

WHEREAS by a Clause in the before mentioned Act of Settlement, the respective Tenants and Inhabitants of the said Isle, are obliged to pay (besides their Rents and Fines therein mentioned and expressed) all other their Dues, Duties, and Carriages, as have been formerly accustomed, and that the fixing and ascertaining of the said Carriages is, by the said Act, left to the Consideration of a Tynwald Court. Be it, therefore ORDERED, ORDAINED, ENACTED, and DECLARED, by the Authority of the said Court of Tynwald, that

Carriages.

Statute
1704.

that the Tenants and Inhabitants of this Isle, shall pay and do their Carriages to the Lord as formerly accustomed : *That is to say*, Four Carriages from every Quarter of Land ; and one Carriage from every Cottage and Intack holden within the said Isle ; and the same to be performed either by the Labour of Horses, or Service of Men, as the Governor shall think fit to order, and as hath been formerly accustomed ; and that these Carriages shall be taken for the Lord's Use, as his Lordship, or the Governor for the Time being, shall think fit to employ them ; and that no Tenant shall be exempt from doing of these Carriages but such as have been legally accustomed to be freed thereof. Also, whereas by another Clause in the aforesaid Act of Settlement, all Persons who then had mortgaged, or should thence after mortgage all or any Part of his Messuages, Lands, Tenements, Mills, Cottages, Intacks, or other Hereditaments, unto any Person, and should not actually redeem the same to his own proper Use, within the Space of five Years next after the Commencement of the said Mortgage, that then such Mortgage should be looked upon as an Alienation, and the Mortgagee admitted as Tenant to the same, in such Manner, and on such Terms as in and by the said Clause is fully mentioned and expressed. And for as much as it is conceived that several fraudulent Bargains may be made by letting of Lands, Tenements, Mills, Cottages, Intacks, and other Hereditaments, for the Security of Money under other Notions than that of a Mortgage, to defraud our honourable Lord of his Fine : Be it therefore ORDERED, ORDAINED, and ENACTED, by the Authority aforesaid, that all such Bargains as shall hereafter be made, and given for the Security of any Sum of Money, upon Lands, Tenements,

Mortgages.

Intacks
and
Cottages

ments, Mills, Cottages, Intacks, and other Hereditaments, as aforesaid, longer than for the Term of five Years, shall be declared and taken to be a Mortgage within the Intendment of the said Act, unless the Court of Chancery within this Isle, shall adjudge it otherwise ; and that the Mortgagee shall be liable to pay such Fine for the same, as in and by the said Clause inserted in the said Act is mentioned and declared. And also, whereas by another Clause in the aforesaid Act of Settlement, it is mentioned and expressed that all such Intacks and Cottages as had been taken out of the Highways adjoining to the Quarterlands, or other Estates, but not belonging to the same, should not, nor were not intended to be included in the said Act of Settlement : but that such Intacks and Cottages (being complained of as great Nuisances,) should be referred to the Consideration of a Tynwald Court, to determine where the Rents and Fines of and for such Intacks and Cottages might most conveniently be fixed. Be it therefore hereby ORDERED, ORDAINED, and ENACTED, by the Authority aforesaid, that the Rents and Fines of all such Cottages and Intacks taken out of the Highways adjoining to any Quarterlands, or other Estates, whether they belong to the Lord or Barons, being taken to Rent in or since the Year of our Lord one Thousand six Hundred and Ten, are to be paid by those Farmers and Tenants, or other Persons unto whose Lands and Tenements these Cottages and Intacks do adjoin ; and they to become Tenants thence forward to the Lord for the said Cottages and Intacks, and that the said Tenants and Inhabitants dwelling in and possessing those Cottages and Intacks, shall hence forward become Sub-tenants to the said Farmers, Tenants, and other Persons, upon such reasonable Terms

as can be agreed upon betwixt them, or as shall be thought reasonable by the Court of Chancery of this Island ; and if any such Cottage or Intack Holder do not submit to such Terms as the Court shall order therein, then such Cottage or Intack Holder is to be ejected out of the said Holding, and a Jury of four Men sworn to value what Improvements he has made on the same, which said Value (being approved of by the Court,) the said Farmer, Tenant, or other Person, is to pay and reimburse unto the said Cottage, or Intack Holder, and thereupon to be immediately possessed of the same, and have Liberty to dispose of the said Cottage or Intack to whom and to what Uses he shall think fitting, PROVIDED always that such Farmer, Tenants, or other Persons unto whose Lands such Cottages or Intacks do adjoin, complaining of such to be a Nuisance, shall be obliged to make the same appear to be so, within eighteen Months next after the Date hereof, otherwise and in Default thereof, the said Cottage or Intack Holder shall have and enjoy the same on the like Terms that other Cottages and Intacks are held and enjoyed within this Isle, by Virtue of the said Act of Settlement, without any Disturbance of the said Farmer, Tenant, or other Person, at any Time after the said eighteen Months are determined and expired. And it is likewise PROVIDED and DECLARED that all Highways out of which any Intacks or Cottages have been taken, that shall be found not to be eighteen Foot broad, according as the Statute provides, shall be enlarged out of the said Intacks or Cottages, (when complained of,) at any Time hereafter ; any Thing herein mentioned to the Contrary notwithstanding. And whereas in the saving Part of the said Act of Settlement, it is mentioned and declared that all Quarries and Delfs of Flag, Slate, and Stone are reserved

High-
ways.

Quarries
of Stone
and
Slate

Royalty and Prerogative belonging to them within Statute
this Isle: which Part of the said Act seems to ^{1704.}
restrain the Farmers and Tenants of the said Isle,
from digging, and getting such Sort of common
Stone as might be necessary for building and ma-
king of other Improvements on their Estates and
Tenements: Be it, therefore, ENACTED, ORDAIN-
ED and DECLARED, by the Authority aforesaid, that
notwithstanding the general Words in the said
Act of Settlement, that every Tenant and Farmer
shall, nevertheless, have free Liberty of digging,
raising, and disposing of all Sorts of Stones and
Slates upon their respective Tenements, and as hath
been formerly accustomed; so that they be em-
ployed only for their own Use, and for the Im-
provement of their own and Neighbours' Estates
and Tenements; and that they shall not dispose or
make Merchandize of the same otherwise, without
the Licence or Liberty of the Lord or Governor
of the said Isle first had and obtained for the
same; and if any Farmer or Inhabitant, having
a Quarry or Quarries of Limestone, or other com-
mon Stone, on his or their Grounds, shall obsti-
nately refuse or deny Liberty to any other Person
or Persons to dig or get such Limestone or other
Stones for the Improvement of his or their Lands
or Tenements, or otherwise, without paying him
a high and unreasonable Consideration for the
same, then and in such Case, it shall and may be
lawful for the Governor of this Isle, for the Time
being, to interpose, and order that such Person or
Persons as stand in Need of such Limestones, or
other Stones, may dig, raise, and carry away as much
as will be necessary for his or their Use, paying
unto the Farmer or Inhabitant on whose Lands
the same shall be so gotten, such moderate and
reasonable Satisfaction as the Governor, in his
Discretion, shall think fit to order and allow.

WHICH said several Acts of Tynwald, being
now the Basis of the Tenure of the Lands and
C Hereditaments,

Hereditaments, and the true Security of the real Estates and Premises within the said Isle; Be it Statute hereby DECLARED and ENACTED by the Permissi- 1704.
on and Authority aforesaid, that the said Act of Settlement, and the said Act of Tynwald explanatory thereof, herein before set forth, and every Clause, Article, Matter and Thing therein and herein before contained, shall be, and the same are hereby ratified, confirmed, and binding, and effectual for and against all, and all Manner of Person and Persons, Lands, and Hereditaments therein, and thereby meant, mentioned and intended, to all Intents and Purposes.

This Act was promulged the 6th. of June 1704.

A C T I O N.

Action personal. — IT is ENACTED that all Statute
Limita- Actions of Trespas, or Complaints in Nature of Ac- 1738.
tion of tions of Trespas between Neighbours, committed
Actions in or upon each others' Lands, Houses, Grounds,
perso- or other Properties, --- All Actions or Complaints in Na-
nal. ture of Actions for wrongful Detention of Goods,
Chattels, or Effects; --- All Actions or Complaints in
Nature of Actions for Goods delivered or lost; ---
All Actions or Complaints in Nature of Actions of
Account, and upon the Case (other than for Ac-
counts Current, which concern the Trade or Mer-
chandize between the Merchants and Traders of
this Isle, and Merchants and Traders beyond
Sea, their Factors or Servants;) --- All Actions or
Complaints in Nature of Actions of Debt, grounded
upon any lending Contract or Demand without
Specialty; --- All Actions of Deceit and Cozen-
age; --- All Actions or Complaints in Nature of Ac-
tions of Assault, Battery, wounding, or false Im-
prisonment, or any of them; and all other Actions
transitory or personal whatsoever which shall
be sued or brought in any any of the temporal
Courts of this Isle, or before any Judge or Ma-
gistrate

gistrate of the same, after the making of this Law, shall be commenced and effectually prosecuted within the Time and Limitation hereafter expressed, and not after. That is to say, the said Actions, or Complaints of Trespass, the said Actions or Complaints of Detention, Debt, Deceit, and Cozenage, and of Goods delivered or lost; the said Actions, or Complaints of Account and upon the Case, (except for slanderous Words) and other such like personal Actions, within two Years next after the making of this Law, or within three Years next after the Cause of such Action, Complaint, or Suit, and at no Time after. And the said Actions of Assault, Battery, wounding, Imprisonment, and for Slanderous Words, or any of them, within one Year after the making of this Law, or within two Years next after the Cause of such Actions, or Complaints in Nature of any of the Actions aforesaid, and at no Time afterwards, any Law, Order, Custom, or Practice to the Contrary notwithstanding.

Statute
1738

Proviso
in Case
of In-
fancy.

PROVIDED, nevertheless, and it is further ENACTED, that if any Person or Persons that is, or shall be intitled to any such Actions of Trespass, Detention of Goods delivered or lost, of Accounts, and upon the Case, of Debt, Deceit, Assault, Battery, wounding, or Imprisonment, or Actions upon the Case for slanderous Words, or any other personal Action be, or shall be at the Time of any such Cause of Action given, accrued, come, or fallen within the Age of twenty one Years, under Coverture, non compos mentis, imprisoned, or beyond the Seas, that then such Person, or Persons, shall be at Liberty to bring the same Actions (as others not under such Incapacities might before have done) so as they take the Benefit thereof, within such Times after such their Imperfections are removed, as are herein before for that Purpose limited, and not otherwise. And if any Person against whom lies any such Cause of Action or Actions, shall at any

Defen-
dant be-
yond
Seas. Time of such Cause of Suit accrued, be beyond
Sea, then the Person intituled to such Suit may Statute
bring an Action after the Return of such Person, 1738
so as he brings the same within such Time after
the Return, as is respectively before limited by
this Act.

Limita-
tion
of
Claims
in the
Eccle-
siastical
Court. And it is further ORDAINED and ENACTED,
by the Authority aforesaid, that all Claims and
Probate of Claims hereafter to be entered and
made in the Spiritual Court of this Isle, against
Executors or Administrators, of Deceadents, for
or on Account of any of the Causes of Suit
before mentioned, and more especially for Debts,
and other Demands of what Nature soever, with-
out Specialty, shall be entered, prosecuted, and
made by Claimers within the Island, in one Year,
and by Persons beyond Sea, within three Years
from the Probate of the Will, or granting Ad-
ministration, and at no Time after; and
then the Cognizance of such Claims so entered to
belong to the temporal Court according to the
Statute 1665; but that no Decree, Judgment,
Order, or Recovery shall at any Time be given,
had, or made by or upon any such Claim, or
Claims in the Spiritual Court, nor afterwards in the
temporal Court, but within the Time and Limi-
tation of four Years next after the Cause of such
Suit or Claim, by or for Island Claimers, and
within five Years from the Cause of Suit or
Claim by or for Claimers beyond Sea, and not
otherwise; and that all other Suits, Controver-
sies, and Matters of Contention, of what Nature
soever, for or against Executors, Administrators,
or others, which hereafter shall be sued, or
brought in the Spiritual Court, shall be com-
menced and effectually prosecuted within one
Year after the making of this Law, or within two
Years next after the Cause of Suit, and at no
Time afterwards: any Law, Custom, or Practice
to the Contrary notwithstanding.

And
other
Suits in
the said
Court.

PROVIDED,

Provido **PROVIDED,** nevertheless, that this shall not
in Cafe prejudice Orphans in seeking Restitution of **Statute**
of Or- their Goods, secured under Pledges, in the **1738**
phans. Hands of Parents, Guardians, or Supervi-
And Ex- fers, in Manner already directed by Law :
ecutors Nor Executors, or Administrators making real
or Discoveries of the Effects or Credits of Decead-
Admini- ents, to fulfil their Inventories, such Right being
strators still reserved for them to be recovered as formerly
 accustomed, they making Oath before they shall
 obtain Process, that such Effects, or Credits, did
 not before consist with, or come to their Know-
 ledge ; and that the Delay of timely Prosecution
 Oath of has not been occasioned by Neglect. And to
 the Par- prevent litigious Suits and other Inconveniences,
 ty not to it is further ENACTED and DECLARED, that it
 be ad- shall not be hereafter lawful for the said Courts,
 mitted or Magistrates, or any of them, to admit of any
 against a Obligor, or Party Defendant's Oath as Evidence,
 Special- against any Bill, Bond, Note, or other Specialty
 ty. in Writing, to acquit himself from the Payment
 thereof, otherwise than by a proper Receipt and
 Discharge for the same ; any Law or Custom to
 the Contrary notwithstanding.

The **PROVIDED** always that this Act shall not be
Lord's construed or understood to intrench upon the
Preroga- Rights or Prerogatives of the Lord of the Isle in
tives any Suit, Plaint, Action, or Claim, to which he
saved. is or may be intitled ; the same being reserved
 and excepted ; any Thing herein before con-
 tained to the Contrary notwithstanding.

Action Real.----- **IF** any Person shall pretend
Limita- Title to any Farm House or Ground within
tion of this Isle, and do not exhibit his Bill in Writ- **Statute**
real Ac- ing for the same before the Lord, his Lieu- **1593.**
tions tenant, or Captain, and other principal Officers
 of

of the said Isle, whereby it may be entered of Record within the Space of twenty one Years next after he or his Ancestors have been dispossessed thereof, then he, or his Successors claiming after him, to be utterly excluded and barred from making Title thereto forever. Statute 1593

The said Statute of 1593 is confirmed and established by a Statute passed in the Year 1647. Statute 1647.

In Respect of the Statute limiting all Parsons to sue for Title of Lands and Houses within twenty one Years next, after their Title first descended or accrued, it is apprehended that great Prejudice may arise to Infants, Persons under Coverture, beyond Sea, imprisoned and the like, It is therefore ORDAINED that notwithstanding the Limitation of Time by the said Statute, if any Person, or Persons, at the Time of the said Right, first descended, accrued, come, or fallen, be within the Age of twenty one Years, under Coverture, not of sound Mind, imprisoned, or beyond Seas, or have any other lawful Impediment, that then such Person, or Persons, and their Heirs, shall and may, notwithstanding the said twenty one Years be expired, bring his Complaint, make his Title, sue his Right and Demand, as such Person might have done, before the Expiration of the said twenty one Years, so as nevertheless such Person, or Persons, or their Heirs, do, within the Space of two Years next after their full Age, discovery, coming of sound Mind, Enlargement out of Prison, or being free of their lawful Impediment, or coming into the Isle, take the Benefit of, and sue and pursue the same, and at no Time after the said two Years be determined and expired. Ordinance of the Governor, Council, Deemsters and Keys. 1662

Proviso in Case of Infancy, &c.

Actions real to be at Common-Law.

ALL Suits for Title of Houses, Lands, Tenements, Mills, Cottages, and Intacks, being Inheritance Statute 1736

heritance or Quarterland, shall always be by
 Action at Common Law, and not otherwise. But
 if manifest Frauds be made use of to procure
 legal Titles, which cannot be relieved at Com-
 mon Law, but require to be redressed in Equi-
 ty, the Plaintiff bringing his Action at Common
 Law, may alledge the Fraud therein; and upon
 the Defendant's Appearing to the Action, the
 Plaintiff is then to give in a Case in Writing,
 containing the Particulars of his Allegation, with
 Respect to the Fraud; and upon entering into
 Bond in ten Pounds, to make good the same, the
 Proceeding at Law to be stayed, and the Plaintiff
 be allowed to file his Bill, or Action, in Chan-
 cery; and when the Defendant joins Issue, the
 Chancellor shall direct the Examination of the
 Matter to six of the twenty-four Keys, by Way
 of Commission, to inquire into the same, by Way
 of Oaths, or otherwise, as the Case may require;
 and then to make a Report of the Whole im-
 partially to the Court, in Writing, in Order to a
 Determination. But if upon considering the Re-
 port, and hearing the Cause, the Court should not
 have sufficient Proof to find and decree for the
 Fraud, then the Matter shall be remitted to be
 proceeded in, and decided by the Course of Com-
 mon Law, and the Plaintiff shall be liable to for-
 feit his Bond to the Defendant for his Costs and
 Damages, or such Part thereof as the Chancellor
 shall think reasonable to allow. And if either
 Party shall appeal from the said Decree of Chan-
 cery, he shall be obliged to enter into Bonds as
 usual: PROVIDED that Disputes and Controver-
 sies concerning Mortgages shall, according to
 the Act of Settlement, be determinable in the
 Court of Chancery; and that no Sequestration
 shall be laid on the Profits of any Lands, Tene-
 ments, and Hereditaments whatsoever, by any
 Court or Magistrate within this Isle, but in ex-
 traordinary Cases; and then the same not to be
 done

proviso
 in Case
 of
 Frauds,
 &c:

And
 Proceed-
 ings in
 that
 Case.

Disputes
 concern-
 ing
 Mort-
 gages
 to be in
 Chan-
 cery.

Statute
 1736.

done without the Consent of the Governor, Officers, Deemsters, and Keys.

Statute
1736

ACTIONS *in* CHANCERY.

[See Court of Chancery.]

ACTIONS *at* COMMON LAW.

[See Court of Common Law.]

ADMINISTRATION.

IT is ORDERED that the Goods of Deceadants, according to the Inventory, shall be made good by the Ordinary, or his Spiritual Officers, if he or they upon proving the Will, or making of the Decree where no Will was made, do not take sufficient Security for the same.

Pledges
to be
taken.

Statute
1643.

It is ENACTED that the Probate of Wills and making Decrees of Deceadent's Effects, shall be effected within three Months after the Death of the Party, at furthest, under Pain of Fine and severe Punishment on the Person failing therein, after lawful Summons given by the proper Officers of the Spiritual Court: and that the Spiritual Officers take special Care for the Observance hereof.

Probates
and De-
crees
when to
be
made.

Statute
1665

[See *Action personal---Deceadent---Intestate.*]

ADULTERY.

A D U L T E R Y.

Statute
1593Wife
commit-
ting A-
dultery-

WHEREAS heretofore it hath been a Law in the Isle of Man that a Wife going away from her Husband for Adultery, or any other Cause, might give away the one Half of all such Goods and Chattles as her Husband and she were seised of, to whom pleased herself, which is thought to be against the Laws of God and good Government: It is therefore ORDERED, That if any Wife hereafter, shall commit Adultery, and be thereof lawfully convicted before the Bishop, or his lawful Deputy, the Captain, and the Rest of the Lord's Council there; she shall lose her Benefit of the said Law, and shall have no more of her Husband's Goods than shall be agreed upon by the Bishop or his lawful Deputy, the Captain, and the Rest of his Lordship's Council there, for her Maintenance.

Appeal

No Appeal shall be made from the Ecclesiastical Courts to the Lieutenant or the Captain, or his Deputy, or the temporal Judges, or the twenty-four Keys, in Case of Adultery.-- ---[See Appeal.]

Statute
1796

A D V O C A T E.-----[See Attorney.]

A L E - H O U S E.

None to
retail
Ale
without
Licence

IT is ENACTED that no Person shall retail Ale, Wine, or other Liquors without a Licence, from the Governor, under the Penalty of three Pounds for every Default; one Half to the Lord of the Island, and the other Half to the Informer: and none shall obtain such Licence except a competent Number of substantial Ale-house Keepers in every Town and Parish, the Situation of whose Houses

Statute
1734

D

and

Statute
1734

and other necessary Conveniences, are to be yearly reported to the Governor, by the Minister and Captain of every Parish, the Coronor of the Sheading, and four of the Great Inquest, in each Parish, who are most fitting, and best qualified for that Purpose. And such Returns to be made to the Governor, at the respective Sheading Courts, annually holden after Michaelmas, that such as shall be sufficient and able to perform the Tenor of their Licences may be licensed and allowed; who, upon obtaining of their Licences, shall enter into a Recognizance to perform the Tenor thereof, as formerly accustomed. Upon every Licence there shall be paid fourteen Pence to the Governor's Secretary, seven Pence to the Comptroller, and nine Pence to the Keys, for the Reparation of their House, and to find other Necessaries at the Times of their Meetings.

Recognizance
to be
givenFee for
Licence

Number of Ale-houses limited The Number of Licences for retailing Beer, Ale, Wine, and other Liquors, in this Island is limited to three Hundred at five score to the Hundred. Statute 1740.

Additional fee
for Licence:
to be applied in
Repairs of the
Highways

It is ORDAINED and ENACTED that an additional Sum of nine Shillings, and nine pence, be paid for every Ale-house-licence, into the hands of the Clerk of the Rolls, as a Fund, to be applied in making, repairing, and amending the Highways, in such Manner as shall be directed by the Governor, with the Council and Keys, or a Committee to be by them appointed.

A L I E N.-----[See Insolvent.]

A L I E N A T I O N.-----[See Act of Settlement.]

A L I M O N Y.

ALIMONY.-----[See Adultery.]

A P P E A L.

Appeal **FOR** Quietness, and avoiding of Differences **Ordi-**
from the between the temporal and ecclesiastical Courts, **nance**
Ecclesi- it is ORDERED that no Appeal shall be made from **by the**
astical to the ecclesiastical Courts, to the Lieutenant or **Lord of**
the Captain or to his Deputy, or to the Judges, or **the Island**
Tempo- Twenty four Keys, or any of them, for any Cause **1636**
ral depending or determined in the ecclesiastical
Courts Court which does merely concern the Government
of the Church, Excommunications, Suspension,
Adultery, Fornication, Prophanation of God's
Name or the Sabbath, Cursing, Probate of Wills,
granting Administration, granting Tution of
Children's Goods, merely subtracting of Tithes,
or concerning Defamations determinable or pu-
nishable by the ecclesiastical Laws : but this to
be no Way prejudicial to the Privileges formerly
enjoyed by the Soldiers, or the Captain in Garri-
son.

Appeals It is ENACTED that all Persons having any Ap-
when to **peal**, or Cause of Appeal from any Decree, Order **Statute**
be pre- Sentence, Judgment, or Proceeding of any of the **1736**
ferred Courts or Magistrates of this Isle, or from the
And Keys, to any superior Judge of Appeals, are ob-
Bonds liged to prefer their Appeal for Acceptance, and
given enter into Bonds thereon, in Order to an effectual
Prosecution, within six Months next after the
Decree, Sentence, Order, or Judgment is made,
or given against them : otherwise they, and all
Persons claiming under them, to be excluded
and barred from the Benefit of any Appeal for
ever after.

APPEAL in Case of EXTRAVAGANT COSTS

[See Costs.]

APPEAL *from* COURT of COMMON LAW.

[See Court of Common Law.]

APPEAL *from* HIGH-BAILIFF'S JUDGMENT.

[See High-Bailiff.]

APPEAL *from* JURY'S VERDICT.

[See Traverse.]

A P P R E N T I C E.

Appren- NO Person shall take any Apprentice to learn
 tice to a Science, or Trade, without such Apprentice, Statute
 serve with a sufficient Surety, do first enter into Bond to 1665
 five the Lord's Use, in the penal Sum of ten Pounds
 Years at Least, to serve for the Term of five Years ;
 And when the said Term is up such Apprentice
 And not is forbidden to take an Apprence for one Year
 to take afterwards ; and that to be upon the Approba-
 an Ap- tion of three of the same Faculty, of his Suffi-
 prentice ciency to teach an Apprentice. Nor shall he be
 nor to permitted to marry for one Year after serving
 marry his Time, without the special Licence of the Or-
 for one dinary, or his Substitutes, or spiritual Officials so
 Year af- impowered, to be obtained upon a true Certifi-
 terwards cate under the Hand of the Minister of the Pa-
 without rish, and two sufficient Neighbours where such
 a special Tradesman dwelleth, of his Condition, Honesty,
 licence and Ability according to their Knowledge, and
 common Fame. And all this upon severe Pu-
 nishment on the Offender, and a Fine to the Lord
 besides.

ARCHDEACON.

ARCHDEACON.-----[See Clergy]

A R M S.

IT is ENACTED that it shall and may be lawful
 for all Land-holders and other House-keepers,
 being Protestants, to purchase themselves Arms,
 and to keep a Fire-lock for the Protection of
 themselves and Families, as well as the Defence
 of the Island upon all emergent Occasions, pro-
 vided they always keep them clean, and in
 good Order at the Sight of the Captains of the
 Parishes and Towns, who for that Purpose are to
 call them forth with their Arms, at least four
 Times in the Year, and report their Condition
 to the Governor; and the said Arms shall go
 and descend to their Heirs and Assigns in Place
 of the ancient Weapons of War called Corbs,
 and be a full Satisfaction for the same.

A R R E S T.

NO Action of Arrest shall be granted against
 a landed Man, or Native within this Isle,
 to imprison or hold him to Bail, unless he has
 obtained the Governor's Pass, or that there is
 some other just Cause to believe he designs to go
 off the Island: And that any Person prosecuted for
 a foreign Debt by an Action of Arrest, shall be
 held to Bail only for his personal Appearance to
 such Action, and for the forth coming of what
 Effects he hath within this Island.

No Arrest for Debt or Contract without Spe-
 cialty shall be granted but upon the Affidavit in
 Writing of the Complainant, or some proper
 Person in that Behalf, according to the best of
 his Judgment and Belief, and not otherwise.

Which

Which Affidavit is to specify the Cause of such Debt or Contract; And that the same is just and reasonable, according to the Nature thereof: ^{Statute} 1777

Debts by
Specialty

which Affidavit may be taken by the Clerk of the Rolls, or other Person duly authorized by the Court, or Magistrate for that Purpose. And such Affidavit shall be annexed to, and filed with the Process of Arrest; for the taking and filing thereof Seven-pence only is to be paid.

And Process of Arrest for Debts due by Specialty may be granted without Affidavit, upon Sight of such Specialty, and a recital thereof in such Process.] PROVIDED that if any Person who shall

Deten-
tion for
24 hours

be liable to any civil Process for Debt, Contract, or otherwise shall be about to leave the Island without settling the same, it shall be lawful for the Person likely to be agrieved, (taking with him a civil Officer,) to stop such Person, or cause him to be apprehended and detained for twenty four Hours, and no longer, until a regular Process of Arrest be obtained, or the Matters adjusted.

Crimi-
nal Cases

All Warrants to apprehend, and Commitments in criminal Cases shall be issued upon the Oath of the Prosecutor or Person agrieved, setting forth the Fact, or Cause of Suspicion; or upon the Return or Verdict of a Jury duly authorized, and not otherwise.

False
Impri-
sonment

And in all Cases where the Party imprisoned shall think himself injured by frivolous or vexatious Arrests in civil Matters, or from Commitments in criminal Cases, such Party may sue for Damages against such Prosecutor, by Action at Common Law.

[See Court.]

ARREST of GOODS for RENT.

[See Rent.]

ASSAULT.

A S S A U L T.-----[See Battery.]

A S S E T S.

Lands
not to be
deemed
Assets

NO Houses, or Lands either Quarterland, Mills, Cottages, or Intacks, purchased or acquired, shall be deemed to be personal Effects or Chattels, so as to be considered as Assets in the Hands of Executors, or Subject to be claimed by Right of Consanguinity, or next of Kindred, in Exclusion of the Heir at Law.

Statute
1777

A T T O R N E Y.

Attor-
neys to
be com-
missioned

NO Person shall plead in any Court, except in his own Cause, nor practise as an Attorney or Advocate, until he be first commissioned by the Governor, or lieutenant Governor, and hath taken the Government Oaths, and also the following Oath. "*I, A. B. do swear that I will truly and honestly demean myself in the Practice and Knowledge of an Attorney to the best of my Ability.*"

Statute
1777

Not to
become
Bail nor
commit
Cham-
perty

No Attorney shall become Bail in any Suit whatever, or carry on any Suit by Way of Champerty: that is, by making any Bargain beforehand, or during the Plea, to have Part of the Subject in Litigation, or any Reward thereof, either by his own Procurement, or by others; nor to carry on any Suit at his own Charges upon the Event of the Cause. And if any be convicted of so offending, he shall be fined and imprisoned at the Discretion of the Court, for any Time not exceeding three Months, and be rendered incapable of practising the Law thereafter. And if any Champertor be discovered upon the Trial of any Cause, the Judge before whom the
same

same is depending, shall remit him over to be tried; and all Trials for Champerty shall be by a Jury, as in other criminal Cases; and the Prosecution may be carried on either at the Suit of the King, or the Party grieved. **PROVIDED** that this Act shall not be understood to prohibit Parents, near Relations, or Friends, from giving Aid or Assistance to any Party in Suit, and that a Grant, or Bargain to have a Part of the Thing in Suit when recovered, to satisfy a just Debt or other Matter justly owing, shall not be Champerty. And any poor Person, destitute of Relations and Friends, who shall have any Cause of Suit, shall, upon Application to the Court before which the Suit depends, or is to be commenced, and making Oath that he is not worth five Pounds, be allowed to employ any Attorney to carry on such Suit, who shall be allowed to lay out his own Money in the Prosecution thereof, to be paid upon the Event of the Cause. And the Court, at the Request of such poor Person is authorized to allow him to give the Attorney Security for his Trouble and Expences upon the Subject in Dispute, by Deed of Sale, Mortgage, or Assignment, to such Extent as the said Court shall think reasonable, and such Deed shall effectually operate upon the Subject when recovered.

Statute
1777

Suit in
Forma
Pauperis

ATTORNEY'S FEES.-----[See Fees.]

BAIL.

B A I L.

[See Arrest,--Attorney,--Breach of the Peace,--
Exchequer,--Felony.]

B A N N S.----[See Marriage]

B A R O N and F E M E.

Wife's Debts IF a Man wed a Wife that is in a Farm, her Debts to be paid by her Husband. Ordinance 1429

Committing Felony If any Man forfeit his Goods to the Lord by Felony, his Wife shall not forfeit her Part of the Goods; but if the Woman forfeit in Felony, her Husband may forsake her, and her Deeds; and if he does not, but conceals her Deeds, he to stand as deep in the Law as the Woman. Ordinance of the Council 1504

Husband or Wife dying When Husband or Wife die the Debts temporal to be paid out of the whole Goods, and the Debts spiritual out of the Dead's Part. Book of sp. Laws

Widow Right If any Man die the Wife to have one Half of all his Goods moveable and immoveable, and the Debts to be paid out of the Whole; and also the Wife to have one Half of the Tenement wherein she dwelleth during her Widowhood. Book of Customary Law 1577

Upon the Death of a Husband before his Wife, one Half of the whole Goods and Chattles, purchased Lands, and Premises, shall become the Property of his Widow, subject to one Half of the Debts; but in Case the Wife dies before her Husband and without Issue, her Right in such Goods and Chattles, Lands and Premises, shall cease and determine, and the same remain wholly to the Husband: PROVIDED that Nothing herein shall prevent a Wife from making a Will even in the life

Wife may make a Will

C

Statute 1777

Proviso
in Case
of mar-
riage
Articles

life Time of her Husband in Favour of the law-
ful Issue of her Body, or to her Husband, but
to no other Person: PROVIDED also that this
Act shall not affect any Articles, Settlement,
Contract, Agreement, or other Deed, made, or to
be made and executed, by or between any Party,
or Parties married, either before or after their In-
ter-marriage, for the Settlement of the purchased
Lands and Premises, or personal Estate of such
Parties, or either of them, married or to be mar-
ried, but such Deeds shall have their full Effect
according to the true Intent and Meaning there-
of.

Statute
1777

WIFE convicted of ADULTERY.

[See Adultery.]

B A S T A R D.

Parents
of a
Bastard
dying
Intestate

IF any die Intestate having no Children legiti-
mately begotten, but only base Children, then
the Ordinary shall make and ordain both of Fa-
ther and Mother's Side, to be lawful Executors;
and the base begotten to be rewarded of Charity,
at the Discretion of the Ordinary.

Spirit
Custom
ary law

A Bastard can have no Goods except they be
given him by Will, or at the Discretion of the
Ordinary upon Charity, otherwise they can have
none by Law.

Tempo-
ral cus-
tomary
Laws
1577

Parents
of a
Bastard
mar-
rying

If any Man get a Maid or young Woman with
Child before Marriage, and within a Year or two
doth marry her, if she was never slandered or de-
famed with any other Man before, that Child be-
gotten before Marriage shall have his father's Corb
and Farm according to the Law of the Land.

Ibidem

Resolu-
tion of
Deem-
sters and
Keys

A Question being put by the Governor to the Deemsters and Keys upon the Meaning of the last written customary Law, they answer in the following Words.

If a Man get a Maid with Child, and then within a Year or two after doth marry her, we ¹⁵⁹⁴ judge them to be legitimate by our Law.

[See Marriage Act.]

B A T T E R Y.

FOR the Prevention of the frequent Complaints touching Batteries, and passionate Words pro-
voking the same, It is ORDERED that as often as ^{Ordinance of Governor and Keys 1661} such Complaints shall be made, and the Party accused convicted, by lawful Proof, by apparent Council and Keys ¹⁶⁶¹ Wounds, Bloodshed, or Confession, such Persons for their violent Strokes, Battery, inhuman and evil Usage, shall, besides Punishment and Charges of Cure, be fined in ten Shillings to the Lord's Use, for every Time offending in that Nature: and such Persons as shall be abused, and Proof had against them as before mentioned, for upbraiding and provoking Language, and inveterate Speeches causing, or that might cause such Battery, wounding, or violent Strokes, or Usage, to be fined thirteen Shillings and Four-pence to the Lord's Use, besides Imprisonment.

Person
Convicted
of such
Battery
to be
fined
10s.
and
of Pro-
voking
Language
13s 4d

B E A S T S.

NO Person shall take the Goods or Cattle of a-
nother to ride, draw, work, or otherwise em-
ploy the same without Consent of the Owner, ^{Ordinance of Governor and Council 1593} (though he find them trespassing upon his own Ground,) upon Pain of forfeiting to the Lord for every such Offence, being convicted thereof by

Work-
ing a-
nother's
Beasts

Information, Action, Complaint, or otherwise by the Oaths of two sufficient Witnesses, the Sum of three Shillings and Four-pence, and to make Amends to the Party grieved.

Trespassing in the Highway If any Person puts forth Horses, Mares, Cattle, Calves, Sheep, Goats, Swine, or Geese, into the Highways, without the Consent of the Farmer or Tenant whose Lands adjoin to such Highways, and the Goods be found without a Herd, or one looking to them, it shall be lawful for such Tenant or Farmer to impound the same in the next Pinfold. Statute 1665.

Every Person holding Lands within this Isle shall be obliged either by Herding, Fencing, or other Means, to keep their Horses, Cattle, Sheep, Goats, Swine, and Geese, and all other their Goods whatsoever, upon their own Lands without suffering them to trespass on their Neighbours. Statute 1705.

Breaking Pound. If any Pinfold shall be broken, or the Goods therein impounded by any Way or Means be taken out of the same, the Owner of the Goods so impounded, shall be taken and reputed to be the Person who committed the Offence, and shall be liable both to the Pinfold Fees and Trespass Money, by Order of the Governor, or Deemster. ibidem

Poundage Fees. If any Cattle, Horses, Asses, Mules, Swine, Sheep, Goats, or Geese be found trespassing on inclosed Grounds where the Fences are kept in sufficient Repair, and impounded for the same from the twenty fifth Day of March to the tenth Day of October, the Owner thereof shall, before they are released, pay the Keeper of the Pinfold as follows : viz. Two Shillings and Two-pence for every Head of Cattle, Horses, Asses, Mules, and Swine : Eight-pence for every Head of Sheep and Goats, and four Pence for every Goose ; and for such Cattle &c. impounded from the 10th. Day of October to the 25th Day of March, as follows : Statute 1776.

follows : viz.---For every Head of Cattle, Horses, Affes, Mules, and Swine, one Shilling and Two pence : for every Head of Sheep and Goats Six-pence : and for every Goose Three-pence. And after the last mentioned Rates, whenever such Cattle &c. are impounded from off the Highway, adjoining Quarterlands, Baron Lands, or incloied Intacks, in any Part of the Year ; which several Sums are to be paid to the Keeper of the Pinfold, who after deducting the accustomed Pinfold Fines and Fees, is to pay the Remainder to the Person bringing such Cattle &c. to the Pinfold. And in Case any Person shall obstruct, or prevent such Cattle, &c. found trespassing, from being impounded, such Person shall, upon Conviction before a Deemster, be adjudged to pay the full Trespass-money, and Dues aforeaid, besides the Sum of ten Shillings to be laid out on the Parish Pinfold, and such Costs as shall be awarded.

Ob-
structing

[See Pinfold.]

MAIMING BEASTS.----[See *Trespass*.]

B E G G A R S.

THAT no Man bring Beggars or Vagabonds into the Country on Pain of forfeiting his Boat.

Ordi-
nance
1422.

It is ORDAINED that the Poor of this Isle shall not beg out of their own Parish ; and if any offend herein the Constable, Coroner, or Lockman of such other Parish is, for the first Time, to warn such Beggars back to their own Parish, which if they neglect or refuse, then are they to be compelled and whipped to their own Parish. And if they continue disobedient, they are to be brought by any of the said Officers to the next Goal,

Statute
1665

None to
beg out
of their
own Pa-
rish

Gaol, there to continue until they declare themselves conformable to this Order; and that none be relieved as the Poor of any Parish, but such as are blind, lame, maimed, or decrepid, in Respect of Age or other Infirmary. And all young Persons shall either labour for their Bread, or be made to serve by a Jury of Servants, or otherwise to be committed until they submit thereto. And if the Constable, Coroner, or Lockman neglects his duty aforesaid, he shall upon Complaint and Proof made, be fined at the Discretion of the Governor and Officers.

Statute
1665

B I L L-----[See Account]

B I S H O P.

[See Marriage Act,---Non-residence,---Court Ecclesiastical.]

B O O N S---[See Act of Settlement]

B O N D---[See Specialty.]

B O U N D A R Y.

To be kept up all times of the Year. IT is ORDERED that all the Inhabitants, Tenants, and Farmers holding Lands in this Isle shall in every Year as well against Winter Time as Summer and Harvest Season, make sufficient and able Fences, Ditches, Trenches, or Hedges of the Height and Breadth herein mentioned, [note, the Dimensions are altered by an Act made in 1691,] or else let out a Keeper or Herd in Respect thereof,

Statute
1665

thereof; and if any neglect the same, the Great Inquest shall make Presentment thereof at every Sheading Court to the End that such Persons may be fined according to the Nature of the Contempt and Quality of the Person, and the Deemster is to give the same in particular Charge to the Great Inquest every half Year. Statute 1665.

**Neigh-
bours re-
fusing to
join in a
Bounda-
ry.** If any Person shall be desirous to make a law-
ful Boundary Fence, and any of his Neighbours whole Lands adjoin to his and are by Law obliged to make up the said Fence with him, shall refuse to join therein, then such Person shall obtain a Token from the Governor or Deemster to require his Neighbours to join in making up and repairing such Fence according to the Height and Breadth herein after set down, within such a convenient Time as the Governor or Deemster shall appoint: and in Case his Neighbours do neglect to do the same within such Time, then such Person to employ Labourers to make up his Neighbours' Part of the said Fence, and to keep a just Account of the Charges thereof, and make Oath to the Truth of the said Account, (if Occasion require) before the Governor or Deemster; and thereupon Execution is immediately to be granted him by the Governor or Deemster, for levying the said Charges, by taking the Pawn of such Neighbours, and selling the same forthwith to satisfy the Charges aforesaid, and that all boundary Fences shall be made five Feet and a half high, with a Trench of one Foot and a half deep, and three Feet broad, or else, six Feet high in the Perpendicular, where a Trench cannot be made: and that all Trenches in such Part of the Island where they are used instead of a Fence, shall be six Feet broad in the Top, and three Feet deep. Statute 1691

**Height
and
Breadth.**

**Stone
Wall
Bounda-
ry**

Where there shall happen to be an insufficient mere Fence or Boundary, any Persons interested in such Boundary being desirous to have a sufficient Statute 1776.
Stone

Stone Wall erected in lieu thereof, shall apply to their Neighbour to join with them in making such stone wall Boundary : and in case such Neighbour shall not agree to bear an equal Share of the Expence, or otherwise amicably agree about the same, the persons wanting such Stone wall to be erected may apply to a Deemster for his Authority to impanel and swear a Jury of four of the most judicious Men within the Sheading to view the insufficient Boundary, and to estimate and report according to the best of their Judgment, not only what Sum will be sufficient to put the same into statutable Repair, but also what Sum will be sufficient to keep the same in such Repair for ten Years next following ; and thereupon it shall be lawful for such Deemster on such Report to grant Judgment and Execution against such disagreeing Party for one Moiety of the Sums so reported : the amount of which Moiety shall be paid in the whole or in such parts and Proportions and at such Times as to the Deemster shall appear just and reasonable, according to the Circumstances of the Case ; and the Party so applying upon receiving the same, or such Part or Portion thereof as shall be adjudged him as aforesaid, shall, with all convenient Speed, erect a Stone Wall at the least two Feet four Inches broad in the Foundation, five Feet in the Perpendicular height, and sixteen Inches broad at the Top at such height, together with proper Coping, or projecting Stones to compleat the same.

Statute
1776

Height
and
Breadth

And in case the said old Boundary be crooked, and that the Parties shall not agree upon a direct Line in Order to make the said Boundary more compleat and less expensive, then either of the said Parties may apply to a Deemster who shall order the Commissioners of Drains at the Expence of the Parties to view and survey the said Boundary and Premises, and upon duly considering

Boun-
dary
crooked
may be
straight-
ened

considering the Quantity and Quality of the ^{Statute}
 Ground, shall settle the Difference between the ¹⁷⁷⁶
 Parties, and ascertain the new Boundary. And
 in like manner the said Commissioners are au-
 thorized and directed to view, shorten, ascertain,
 and fix all other Boundaries whatsoever, which
 shall be referred to and come before them in
 Manner aforesaid. And that the said stone wall
 and other Boundaries fixed by the said Commis-
 sioners, and all other Boundaries which have been
 or may be erected by Consent of Parties, shall
 be deemed and adjudged, repaired, and amend-
 ed as the true and lawful Boundary for ever.

BOUNDARY *between* LORD's CLOSES,
And other Lands.---[See Lord.]

B R E A C H *of the* P E A C E.

UPON flagrant Breaches of the Peace, open
 Riots, and Disturbances, or other notorious ^{Statute}
 Misdemeanors, it shall be lawful for the Gover- ¹⁷³⁶
 nor, or any of the Officers or Deemsters, or if
 Occasion shall require, for the Constables of
 Garrisons, or Commanders of Forts in their re-
 spective Towns, to commit the Offender or Of-
 fenders, who shall be held to Bail by Order from
 the Governor, to answer and stand Trial at such
 Time as shall be appointed :---but such Trial
 not to be delayed, but to be brought on with
 all possible Speed. PROVIDED that in Case of
 Murder being committed, or any mortal, vio-
 lent, or desperate Stroke, or Wound given,
 whereby any Person's Life is in immediate Dan-
 ger, the Offender is not to be admitted to Bail,
 but to remain in Goal to undergo his Trial,
 according to the Course of the Law ; and that
 this

Flagrant
 Breach
 of the
 Peace

Murder
 or dan-
 gerous
 Wound

this Act shall not restrain the Governor, or Deemster from proceeding upon the Law touching Battery and Provocation, without Juries, as formerly. Statute 1736

B R I B E R Y-----[See Jury,---Officers.]

B U G G E R Y.

THAT any Person committing or suspected of committing such Crime with any Manner of Beast, the Case shall first have and receive Examination in the spiritual Court, according to Matters of Rape, Sorcery, and the like; and afterwards in the temporal Court, by Indictment and Arraignment, as in the Case of Felony, or other notorious Crimes, if the spiritual Court so return the same. And if the Malefactor be found guilty, then Sentence of Death to pass against him, and to forfeit Life and Limb at the pleasure of the Lord, and likewise all his Estates, Lands, Goods, and Chattles, as in the Case of Felony, or other notorious Crimes. Statute 1665

[See Felony.]

C A L E N D A R.

THE Stile according to the new Calendar established and to be observed in this Island. 1753

All Fairs depending upon the moveable Feasts to be holden according to the new Calendar; but such Fairs as have been fixed to certain nominal Days of the Month, or depend upon the beginning of any certain Day of any Month, and the Tynwald Court usually held with the Fair on the Feast of St. John the Baptist, at which the several Coroners were and hereafter are intended by

Servants by this Act to be chosen and sworn; and the Times of hiring, giving Warning, and discharging of Servants shall be held and done upon the same natural Days on which they would have happened in Case this Act had not been made. 1753

Possession of Lands &c. And whereas according to divers Usages within this Isle, the entering upon the Possession of Lands and Houses either by the Recoveries of Titles, or by setting and letting, or opening of Grounds for Pasture and other Purposes, are often, on particular nominal Days and Times in the Year, and on the other Hand the Owners of such Lands and Houses on the Determination of such Settings, and of the letting of Pastures have a Right to enter upon, shut up, and inclose the same for their own Use; And there is, in many other Instances, a temporary and distinct Property vested in different Persons, in and to such Lands and Houses, according to certain nominal Days and Times in the Year. And whereas the anticipating the said Days and Times, by eleven Days, according to the new Calendar might be attended with Inconvenience, It is therefore Provided that the Times and Days aforesaid shall be observed according to the old Stile, that is to say, eleven Days later than the same would have happened according to the new Stile.

Lord's Rent And that this Act shall not accelerate or alter the accustomed Times of paying the Lord's chief Rents, Fines, or other Dues whatsoever.

C A R R I A G E S.

WHEREAS by the ancient Laws of this Island the Tenants and Inhabitants thereof are and Statute have been accustomed to do their Duties and 1645 Service to the Lord and his Ancestors at the building

building or repairing of his Forts or Houses in ^{Statute} the Island, by the Service of themselves in Per- ¹⁶⁴⁵ son, or by the Service of some sufficient and able Labourer in his or their Behalf, fit for the Work in Hand : contrary to which many and divers of the Farmers and Tenants of the better Sort usually send Boys and Children to such Work, by Means whereof the Burden lies upon the poor People, who are constrained to serve in their own Persons, and such Works are neglected or not well performed, notwithstanding that they are for the Honour and Safety of the Country : It is now therefore ORDERED and ENACTED that every Farmer, Tenant, and Inhabitant of this Island so neglecting to do such Duty or Duties in his or their own Person, or Persons, or in Default thereof shall not fail to send some able and sufficient Labourer in his Stead : he or they so offending shall, for every Time, forfeit Six-pence to the Lord upon the Presentment of the Officer, or Officers that shall be put in Charge with such Works.-----[*See Act of Settlement*]

C A S T L E - M A Z E.

THAT a Castle Maze be paid out of five ^{The} Maze of Herrings in a Boat taken ; and half ^{Nature} a Maze out of two Maze and a half gotten in a ^{thereof} Boat as oft as they go to Sea and gotten so :--- ^{Ordi-} and that is our Law, the Custom and Usage. ^{nance in} And the Lord to pay Six pence for a Maze there- ^{the Be-} of : PROVIDED that the Bringers of the first ^{gining} Maze shall for the Same have three Shillings and ^{of the} Four-pence. ^{Statute} ^{Book} ^{Date} ^{defaced}

^{All per-} At every Herring-fishing on the Coast of Man, ^{sons to} all Manner of Persons whethersoever they be, ^{pay it} Barons, Officers, or Soldiers, to pay the Castle ^{Ordi-} Maze and Customs, as hath been heretofore used. ^{nance} ¹⁵⁶³

Note,---

Note,---the Castle-Maze bath, of late Years, been commuted for a yearly Payment in Money, which bears the Name of Herring Custom, and bath been appropriated by an Act of the British Parliament to the Repairs of the Harbours of the Island. The Laws relating to Castle-Maze are inserted for the Purpose of throwing a Light upon the Nature and Origin of this Custom.

CHAMPERTY.---[See Attorney.]

CHANCERY.---[See Court.]

CHILDREN.

Parent dying intestate IN Case a Man dieth intestate, the Bishop or his Vicars General shall order his Children legitimately begotten to be jointly Executors. **Sp. Customs**

Not leaving 6d. legacy Also if any make their Testament and leave not Six-pence Legacy to their Children unmarried, legitimately begotten, or the Value thereof, then the Ordinary may make him or her Executor with the Rest. **Temporal Customs 1577**

Children 14 years old A man having married two Wives, and having Children by the first Wife, being under Age, the father is bound to bring them up until fourteen Years of Age, without taking any Part of the Goods by the Mother; and then he may turn them away giving them the said Goods. **Ordinance 1525**

If either Father or Mother depart this Life having Children, if the said Children be of Years of Discretion, that is fourteen Years, they may divide **Book of sp. Customs**

divide Goods either with Father or Mother, and repair to whom they will.

Under 14 Years If there be but one Child between Man and Wife, and the Father die, the Father's Kindred shall have the Custody of the Child and his Goods until fourteen Years of Age, except the Father order otherwise by his Will; then that to be observed. And if there be two Children, then the Mother to have one that is the eldest. And if the Mother die before the Child comes to Years of Discretion, she may leave the Custody of the said Child to whom she will, and the next of Kin of the Father's Side and Mother's Side Supervisors. Ibidem

If any Man, having but one Child, dieth, the next of Kin of the Father's Side shall have the Custody of the Child and his Goods till fourteen Years of Age, and then he may go to whom he pleaseth. And if the Child die under fourteen Years of Age, then the said Goods to come to the next of Kin upon the Father's Side legitimately begotten. And if the Goods come by the Mother's Side, then the next of Kin by the Mother's Side to have it. If there be two Children then the Father's Side to have the youngest, and the other Kindred to have the eldest and his Goods. Tempo-
ral Cus-
toms
1577

Under 21 Years Children entering upon their Goods and Livings at fourteen Years of Age, shall not be at Liberty to make Sale or dispose of the same (unless they be enforced through Necessity,) before they attain to the Age of twenty one Years, and that made known to the Captain and the Rest of the Officers. Statute
1629

Children committing Trespasses Whereas it is complained that Children and poor Persons not of Ability to make Satisfaction, cut Grass and Corn in the Lands of other Persons, dig, pull, and carry away Ling, and Turf. Statute
1665

Turf in others' rented Premises, dig, and take away Timber out of the Currags, and put Horses or Cattle into Neighbours' Corn and Grass in the night Time, and take them out before Morning : It is therefore ORDERED that as often as Children, or poor Persons offend in that Kind, and be thereof lawfully convicted by sufficient or probable Testimony, they shall be whipped, or otherwise punished at the Discretion of the Governor and Officers according to their Condition and Age. Statute 1665

Enter-
taining
Children
and
servants

No Person shall entice, inveigle, countenance, and entertain any Servants at unseasonable Times ; for that it hath been accustomed to be a great Motive to convey and purloin their Master's Goods, and so bring such Servants into a Course of pilfering, and wasting their Wages : It is therefore ORDERED that whosoever shall entertain Servants, or Children, in that Kind, shall (if of ability,) for the first Offence be fined ; for the second be fined and punished, besides making Restitution to the Party grieved ; and for the third Offence be proceeded against as the Receivers and Abettors of Felony, according to the Statute of Pilferies, if the Goods purloined and received amount to the Value of Six-pence Half-penny, and that by Indictment and Arraignment, and the Servant to be punished at Discretion ; and to give Security for his honest Dealing in Future. Statute 1667

Children
and
servants
to attend
divine
service

All Children and Servants unconfirmed, of such a Division of the Parish as the Minister shall appoint, (which shall be at least a fourth Part thereof,) shall constantly come to evening Prayers, to be instructed in the Christian Religion ; at which Time every Rector, Vicar, and Curate shall employ, at least, half an Hour in their Instruction in the Church Catechism. Statute 1704

And

And all Parents and Masters who shall be ob-
 served by the Ignorance of their Servants and
 Children to be grossly wanting in their Duty, in
 not instructing them, shall be severely punished.
 And the Minister and Wardens shall keep a Ca-
 talogue of such as are not confirmed, and pre-
 sent those that are absent without urgent Cause,
 who shall be fined Two-pence the first Sunday
 they absent, Four-pence the second, and Six-
 pence the third : in which Case the Parents and
 Masters are answerable for the Children and
 Servants, unless it appears to be the Servants'
 own Fault.

Children
 to be
 sent to
 school

And all Persons shall send their Children as
 soon as they are capable of receiving Instruction,
 to some petty School to continue there until
 they can read English distinctly, unless the Pa-
 rents give a just Cause to excuse themselves,
 approved of by the Ordinary in open Court.
 And Parents neglecting so to do, shall, upon
 Presentment by the Minister and Church-
 wardens, or Chapter Quest, be fined one Shil-
 ling per Quarter to the Use of the Schoolmaster;
 who may refuse to teach the Children that do
 not come constantly to School, unless for such
 Cause as shall be approved of by the Minister of
 the Parish ; and then the Parents shall be fined
 as if they did altogether refuse to send the said
 Children to School. And the Schoolmasters
 shall have over and above their Salaries already
 allowed, Six-pence quarterly from the Parents
 of every Child that shall be taught to read Eng-
 lish, and Nine-pence quarterly from such as are
 taught to write : which Sums being refused, the
 Sumner shall be ordered to require punctual
 Payment within fourteen Days : and upon De-
 fault hereof they are to be committed till they
 submit to Law. But when the Parents or Rela-
 tions are poor, and not able to pay as aforesaid,
 and

School-
 masters
 Emolu-
 ments

this certified by the Minister and Church-wardens to the Ordinary, such Children to be taught gratis. And whereas some of the poorer Sort may have just Cause to keep their Children at Home for several Weeks in the Summer and Harvest, such shall not be liable to the Penalties aforesaid, provided they do, and they are hereby required to send such Children during such their Absence from School, every third Sunday to the parish Church, at least an Hour before evening Service, there to be taught by the Schoolmaster, to prevent losing their Learning. And if any Schoolmaster neglect his Duty, and Complaint be made and proved, he shall be discharged, and another placed in his Stead at the Discretion of the Ordinary. And every Rector, Vicar, or Vicar &c. Curate, shall, the first Week of every Quarter, to visit the petty School, and take an Account of the Improvement of every Child, to be produced as often as the Ordinary shall call for it. Statute 1704.

Presentments to be made Monthly The Minister, Church-wardens, and Chapter Quest shall, the last Sunday in every Month after evening Prayers, set down the Names of all such as without just Cause absent from Church; and of Parents and Masters who neglect to send their Children and Servants to be catechised, and of Parents and Guardians who send not their Children to School, and all other Matters, they are, by their Oaths, bound to present: the Articles of Visitation are to be read to them at every such Meeting; and this to be done under Pain of ecclesiastical Censures.

CHILDREN *seeking Goods secured under Pledges.*

[See Administrator.]

G

CHILDREN

CHILDREN ILLEGITIMATE.---[See Bastard.]

[See Guardian,---Intestate.]

C H U R C H.

By whom repaired **THE** Parishioners are bound to keep up and maintain the Body of the Church within and without, with all Ornaments, Books, and other Necessaries; and the Parson is bound to keep in good Order the Chancel. Spiritual custom-ary Laws

Lapse If any Parson, Vicar, of third, or Pension, do depart and no other be installed within six Months from Easter next ensuing his Departure, the Bishop or Ordinary shall take it in his Lapse if it be not in the Gift of the Lord of the Island. Ibidem

K I R K P A T R I C K C H U R C H.

THE Parcel of Land given by Capt. SILVESTER RADCLIFF and CHARLES his Son, for making a Church and Church-yard in the Parish of Kirk Patrick, is as follows :---From the Corner of Kill Crow-glebe along the Highway, forty three Yards :---from thence eastward fifty six Yards :---from thence southward thirty six Yards :---and from thence back, and westward to the Highway, fifty nine Yards, as by a Note subjoined to the Articles of Agreement between the Bishop and the Parishioners of Kirk Patrick, dated 13th June 1710, appears.

And it is ENACTED that the said Instrument be confirmed, and that all Persons concerned be bound thereby, and that the Parishioners of Kirk Patrick be for ever freed from all Charges and Assessments towards the Repair of the Church or Chapel of St. Peter's, in Peel : 1710
PROVIDED that this Act do not prejudice
Mr

Mr. MATTHIAS CURPHEY, the lawful Vicar
of Kirk German and Kirk Patrick.

KIRK LONAN CHURCH.

THE Church-wardens and four sufficient Men of the Parish as Assistants, are authorized to consider and conclude upon a general Assessment of the Parish: viz. after the Rate of twenty Shillings per Quarterland and no more; and the Intacks and Mills in Proportion, according to their Value as usual: which with the voluntary Contributions towards the Work, are to be laid out in building a new Church on a Parcel of Land called Bollice-Veen, of eighteen Yards long, and eighteen Feet broad, according to the Directions of the Bishop. And the said new Church and Church-yard when compleated and consecrated, shall be called and esteemed the Parish Church and Church-yard of Kirk Lonan to all Intents and Purposes, and be exempt from all temporal Rents and Services whatsoever. And the Remainder of the said Premises to be chargeable with the whole thereof as usual, reserving to the Parishioners their ancient Right and Place of burying in the old Church or Church-yard.

KIRK BRADDAN CHURCH.

IT is enacted that it shall be lawful for the Lord Bishop to give in Exchange, the present Glebe Lands, Vicarage House, Out-houses and Gardens and Appurtenances, belonging to the Parish Church of Kirk Braddan or such Part thereof as his Lordship with the Advice of the Vicar, Wardens, and principal Inhabitants of the said Parish, shall

shall see proper, for an Equivalent in Lands from Statute
 Cap. Edward Fletcher, for the Purpose of a 1742
 Glebe, Vicarage House, and other necessary
 Conveniences, for the constant Residence of the
 Vicar ; and that such Deeds as shall be executed
 for that Purpose be for ever binding. Reserving
 the Lord's Rents, Fines, Boons, Suits and Servi-
 ces, and other Dues, to be fixed and sufficiently
 secured by the Parties, to be the Approbation of
 the Governor and Officers in the said Deeds.

K I R K A R B O R Y C H U R C H.

IT is ENACTED that it shall be lawful for the Statute
 Vicar and Wardens of Kirk Arbory to erect a 1757
 new Church at the North-side of the old Church
 and within the Church-yard, and to lay out
 charitable Contributions thereon, and then to
 levy a general Assessment according to the Pro-
 portions formerly used in the Parish : and the said
 Church when compleated and consecrated shall
 be called and esteemed the Parish Church of Kirk
 Arbory to all Intents and Purposes, and no Per-
 son upon any Pretence whatever shall cause any
 Corpse to be interred in the Body of the said
 Church.

C H U R C H C E N S U R E S.

Offender **I**F any Person shall incur the Censures of the
 relapsing Church, and having done Penance shall after- Statute
 wards incur the same Censures, he shall not be 1704
 admitted to do Penance again (as has been for-
 merly accustomed,) until the Church be fully
 satisfied of his sincere Repentance, during which
 Time he shall not presume to come within the
 Church, but be obliged to stand in a decent
 Manner at the Church-door every Sunday and
 Holiday,

Statute
1704Excom-
munica-
tion

Holiday, the whole Time of morning and evening Service, until by his penitent Behaviour and other Instances of sober Living, he deserves and procures a Certificate from the Minister, Church-wardens, and some of the soberest Men in the Parish, to the Satisfaction of the Ordinary, which if he does not so deserve and procure within three Months, the Church shall proceed to Excommunication. And during these Proceedings the Governor shall be applied to not to permit him to leave the Island: and this being a Matter of very great Importance, the Minister and Church-wardens shall see it performed under Penalty of the severest ecclesiastical Censures. And whenever any daring Offender shall be continued so obstinate as to incur Excommunication, the Pastor shall affectionately exhort the Parishioners not to converse with him on Pain of being Partaker with him in his Sin and Punishment.

[See Clergy.]

C L E R G Y.

Emble-
ments

IF the Executors or Assigns of the Bishop, Archdeacon, or any Parson, Vicar, Curate, or Clerk do sow any of the Glebe-Land before Easter-day, they shall have all such Corn as is sown, with the Profit thereof, and shall be at Liberty to reap the said Corn and carry it away.

Spit:
custon
ary La

And if either Bishop, Archdeacon, Parson, or Vicar having Leases, do depart Life after twelve o'Clock on Easter-day, the Executors or Assigns, have ever been accustomed to have and enjoy all the Profits of that Year until Easter-day next ensuing, and shall find and see the Cure served and discharged.

Articles delivered 24th. June 1594, at the Tynwald then holden, to the Vicars General, by the

1594

the Captain of this Isle ; which Articles are to be inquired of at next Consistory Court.

Present-
ments

First, That they impanel in the several Shead-ings, Jurors to inquire into all Offences committed against the spiritual Laws ; and the same Jurors to be chosen of such as be of best Ability to discharge the same. That they inquire and present all Adulterers, Fornicators, Blasphemers, Drunkards, and such like.

1594

That they inquire and present all such as carry Bells or Banners before the Dead ; or pray upon the Graves of the Dead ; and all such as keep any Market upon the Sabbath-day, or otherwise profane the same. Also any Person or Persons that refuse to come to the Church to hear divine Service, or to receive the Sacrament of the Lord's Supper.

To admonish disorderly Livers

Every Rector, Vicar, and Curate, shall first privately and then publicly admonish such Persons as he shall observe to be disorderly Livers, that such as will not by this Means be reclaimed, may be hindered from coming to the Lord's Table, and being presented, may be Excommunicated ; and if any Minister knowingly admit such Persons to the holy Sacrament, whose Lives are blemished with the Vices of Drunkenness, Tipling, Swearing, profaning the Lord's Day, quarreling, Fornication, or any other Crime by which the Christian Religion is dishonored, before such Persons have publicly acknowledged their Faults, and solemnly promised Amendment, the Minister so offending shall be liable to severe ecclesiastical Censure.

Statute
1704

Building
&c. on
the
Glebe

Any Rector or Vicar who shall hereafter erect, or build, or make any Addition to, or repair any Dwelling-house or Out-house, upon any Church Glebe, to be fit, convenient, and durable for himself and Successors, such Rector or Vicar or his Executors, or Administrators, shall be intitled to have

Statute
1734

have and receive from his next immediate Successor, or his Executors or Administrators, twothird Parts of whatever Sums shall be really and truly expended by him on such Buildings and Improvements (necessary yearly Reparations excepted,) provided he give a just and fair Account of the Money so disbursed by him, upon Oath, to a Jury of four sufficient Men, to be appointed by Process from the Bishop, or Archdeacon, and sworn on the Premises for that Purpose: and their Return upon the same with the Bill of Disbursements so given upon Oath, to be registered for the Satisfaction of all Persons concerned: and such Successor, or his Executor, so paying the two thirds of such Disbursements, shall be intitled to receive a Moiety thereof: viz. a third Part of the whole Disbursements from his next Successor or his Executors, or Administrators, who shall also be obliged to pay the same within one Year, to be accounted from Easter, after the Death or Removal of such Predecessor. And the said Sums shall be recoverable in the ecclesiastical Courts, and a Moiety of the Rents and Profits of the Benefice to be laid under Sequestration so as to be responsible for the same. And to prevent Dilapidations, if any Person shall afterwards suffer such Buildings to go to decay for want of necessary Repairs, he shall be accountable for the same to his Successors and liable to make Satisfaction at the Estimation of four sworn Men to be appointed in Manner aforesaid, and the same to be laid out in the Repairs of the said Buildings.

To keep
a Cata-
logue of
the Pa-
rish
Books

Every Rector, Vicar, and Curate, or their Executors or Administrators, shall be accountable for such Books as are or shall be given to the several Parishes or the full Value of the same. And every Rector, Vicar, or Curate, shall immediately after his Induction, or Licence, make a new Catalogue of all the Books belonging to their respective Churches, and shall deliver the

Statute

1734

Statute
1734

...me to the Episcopal Register, to the End
that they may be accounted for as aforesaid.

Statute
1734

[See Children,---Church Censures,---Curate,---
Court Ecclesiastical,---Marriage Act,---Non-resi-
'ence.]

C L E R K.-----[See Parish-clerk]

C L E R K of the R O L L S.-----[See Fees.]

C L I E N T.-----[See Attorney.]

C O I N.

FORASMUCH as certain Persons did coin and
utter false Monies, called Ducketoons or of
some other Stamps in base Metal, as Pewter and
the like, It is ENACTED that if any Person shall
hereafter falsify, forge and counterfeit such current
Money, knowing the same to be false or counter-
feit, and do merchandize or make Payment thereof
in Deceit of this Country and People, and be
thereof lawfully convicted according to the
Course of Trial for Life and Death, such Persons
shall be deemed and adjudged to be in the
Case of High-Treason, and for the same shall
forfeit Life, Lands, Goods, and Chattels to the
Lord, as in Cases of other Treasons they used
to do.

Statute
1646

Whereas the Lord of this Isle hath sent over
three Hundred Pounds in Copper Pence, and
two Hundred Pounds in Copper Half-pence,
It is therefore publicly proclaimed upon the
Tynwald

Tynwald, that the said Copper Pence and Half-Pence, shall at all times be current in this Isle.

Statute
1733.

Counter-
feiting

And no Person shall after this Act be obliged to take any other Copper or Brass Money whatsoever : And if any Person shall be convicted of counterfeiting the said Pence and Half-Pence,-- bringing into this Isle or uttering, or paying any of the said counterfeit Pence and Half-Pence, knowing them to be counterfeit, such Person shall forfeit and be punished after such Manner as is declared by an Act passed in the Year 1646 : And the better to find out whether there be any such Counterfeits, It is Ordered that on the second Thursday in June in every Year, all Persons who have any of the said Copper Pence and Half-pence shall bring in the same to the Captains of the respective Parishes to be counted, and an Account thereof to be returned by the said Captains to the Governor or Receiver : And any Person neglecting to bring in such Pence and Half-pence as aforesaid, shall be fined twenty Shillings, besides other Punishment as the Case shall demerit.

[A similar Act passed in 1757, to make current two Hundred and fifty Pounds in Copper Pence, and one Hundred and fifty Pounds in Copper Half-Pence, which were sent to the Island by JAMES, DUKE of ATHOLL, then Lord thereof. In which Act it is provided that the same shall not prejudice the Currency of the Coinage established by the foregoing Act of 1733.]

COMMISSIONERS.---[See Drains.]

C O M M I T M E N T.

See Arrest,---Felony,---Breach of the Peace.

H COMMITTEE.

COMMITTEE.---[See Highways.]

COMMON LAW.

[See Court of Common Law.]

COMMONS.

Unrented **NO** Person shall hold any of the Lord's Wastes or Commons of this Land unrented, but that whosoever holdeth the same and it unrented, he shall pay the Value thereof. Statute 1645

Not to be frequented at unreasonable times **It is ORDERED** that no Person go to the Moun- tains or Commons of this Isle, after the Hour of five o'Clock in the Afternoon, or before Day in the Morning, for the carrying of any Turf, or Ling, for that Complaint is made that some do carry away their Neighbours' Turf and Ling at such unseasonable Times. Wherein if any offend in Future, they shall be severely fined and punished as by the Court shall be thought fit. Ordinance of the Governor and Keys 1661

[See Court of Common Law,---Forester,---Game.]

COMPOUNDING FELONY.

[See Felony.]

CONFIRMATION.

When any Rector, Vicar, or Curate, shall have any Number of Persons under twenty Years of Age in his Parish fit to be confirmed, he shall give Statute 1704

give the Bishop Notice thereof, and a List of their Names, and shall suffer none to offer themselves to be confirmed, but such as he has before instructed to answer in the necessary Part of the Christian Knowledge.

Statute
1704

And no Person shall be admitted to the Sacrament till he has first been confirmed by the Bishop, or in Case of his Lordship's Indisposition, to bring a Certificate from the Archdeacon or Vicar General, that he is qualified to be confirmed.

C O N S T A B L E.

HIS FEES.---[*See Fees.*]

[*See Breach of the Peace.*]

C O N T E M P T.----[*See Court.*]

C O N V O C A T I O N.

When and where to be held A Convocation of the Bishop and Clergy of this Diocese, shall be held yearly, at the Bishop's Chapel, on Thursday in Whitsun-Week, if his Lordship be in the Island, or as soon as convenient after his Return.

Statute
1704

C O R B S.

Corbs for a Man THERE ought to be Corbs pertaining to a Man, as if his Father have a Pan, the Son to have it, or else his best Jack and Sallet * Bow and Arrows, Sword, and Buckler, his best Board, and

Ordi-
nance
withou
a date

H 2

* These are commuted by Statute 1748, for the modern Weapons of War.---[*See Arms.*]

and best Stool, his Coulter, and Rackentree, his best Cup, if it be Wood, and bound with Silver, and gilt, his best Chest.

For a Woman For a Woman, the best Wheel, and Cards, *Ibidem* Rackentree, a Sack, or else a Manks Spade, the best Bead of Jet or Amber, the best Broach, the best Cross, the best Pot or Pan.

Corbs forfeited In Case of Forfeiture of Goods for Felony, the Corbs which should pertain to the Heir, the Coroner is to have.

Be-queathed In Case any do bequeath a Corb or Heir-Spiritual loom for a Legacy, the same shall not be given Customs but the Value thereof at Discretion.

No Cotterels or Artificers shall be liable to Statute pay Corbs; but they shall be all bequeathable 1629 as other Goods.

C O R O N E R.

His Duty without a Warrant **IN** Points of Treason, Felony, or for Surety of the Peace, with many other Things that belong to his Office, he ought to arrest, and do those by Virtue of his Office without Warrant. *Ordinance without a date*

When to be appointed. At the next Court after Midsummer, the Coroners to be appointed, and their Names entered in the Rolls of the Court, with the Sum that they take to serve. *Statute 1430*

To stand in Office but one year And forasmuch as Coroners, against the Law, stand in Office two or three Years together, which puts them to great Value, to the Destruction of the Commonality, It is ordained that the Coroners stand in Office but one Year, and that they take no Inquest but twice in the Year, by the Commandment of the Lieutenant, in open Court, by Inquest sworn before the Deemster, and there to be recorded, and that they

Ordinance 1424

they arrest no Man without a Warrant, save for
Treason, Felony, or Breach of the Peace.

Dues
from
Land-
holders

The Coroner ought to have no Customs of
any Man, but of him that beareth Rent to the
Lord, and if it be a Penny Rent, he shall pay
the Coroner his Duty, (the Moar to be free of all
Manner of Customs,) Four-pence shall be paid
yearly out of every Quarterland, to the Coroner,
and whoever holds no Quarterland, but only
Cottages and Intacks, shall pay a Penny if he
hold but three Shillings and Four-pence Rent,
and above three Shillings and Four-pence Rent,
Two-pence and no more.

Statute
1442.

No Coroner shall fight or take Quarrel in
Hand, nor be Advocate in any Place during his
Office, but in the Lord's Causes.

Ibidem

It is ORDERED that the ancient Law for con-
tinuing Coroners in Office but one Year, be
revived.

Statute
1629

*Coroner neglecting his Duty to be presented by the
Great Inquest.---[See Court of Common Law.]*

*His Duty and Fees upon Executions.---
[See Execution.]*

*His Duty and Fees with Respect to
Felon.---[See Felon.]*

[See Fodder-Jury,---Highway,---Licence.]

C O S T S.

Costs
of Wit-
nesses.
Gentle-
man

WITNESSES shall have Costs allowed them,
(save in the Lord's Causes) in Manner fol-
lowing:---Every Person of the Degree of a Gen-
tleman or Gentlewoman, that shall be charged

Statute
1753

as a Witness before any Court, Magistrate, or Minister of Justice, shall, upon his or her Appearance, be allowed Six-pence for every Parish through which he or she shall be obliged to travel, so as that the same do not exceed two Shillings and Six-pence in the Whole. Every Person of the Degree of a Tradesman, shall upon Appearance as aforesaid, be allowed for Loss of Time Eight-pence, besides Two-pence for every Parish he shall be obliged to go through so as that the whole does not exceed one Shilling and Six-pence, and every Woman in the same Degree to be allowed Two-pence a Parish as aforesaid. Every Labourer labouring Man shall be allowed Four-pence for Loss of Time and a Penny a Parish; and every Woman in the same Degree Two-pence a Parish. Degrees or Denominations of the Witnesses to be regulated at the Discretion of the Court before whom the Cause depends, and the Charges to be paid by the Person at whose Suit they are charged, by immediate Execution from the said Court by Way of Pawn, according to the due Course of Law, or by Order of Commitment, where the Nature of the Process by the Rules of the Court doth so require it. And whenever a Defendant shall be cast in a Cause it shall be lawful for the Court to award Execution to the Plaintiff against the Defendant for the Witnesses' Charges aforesaid, as well as for the Fees of Tokens and Presentments, along with the Subject Matter in Litigation, or otherwise as the Case may require. Or if the Defendant shall incur a Presentment for not appearing, it shall subject him to the Plaintiff for the Witnesses' Charges thereby occasioned. And if any Default shall fall out by the Non-appearance of a Juror or Witness, whereby the Cause cannot that Day proceed to a Determination, then such Juror or Witness, unless some lawful Cause be shewn to stop a Presentment against

Trades-
man

Labourer

Defen-
dant,

Jury-

man, or

Witness

not ap-

pearing

Plaintiff not appearing
 Plaintiff shall be obliged by the like immediate Execution, to pay the Parties Jury, Inquest and other Witnesses all their Charges occasioned by such Contempt, to be regulated as in the Case of Witnesses, at the Discretion of the Magistrate, in Manner aforesaid. And if a Plaintiff shall charge a Defendant, Juror, or Witness before any Court, and not appear to prosecute, it shall be lawful for such Court upon the Production of a Certificate of the Charge (which the Officer concerned shall give any Person on paying the Fee of Two-pence,) to grant immediate Execution to such Defendant, Juror or Witness to levy their Costs of the Plaintiff in the same Proportions and Degrees aforesaid, together with the said Fee of Two-pence.

Statute
 1753

Exemplary or discretionary Costs.
 It shall be lawful for the Governor upon any Trial where he shall judicially preside, and for all other Courts as well spiritual as temporal, upon the full hearing of any Cause, to award such Costs, Charges, Damages and Expences, to any injured Party whether Plaintiff or Defendant, against such other Party as shall appear upon such hearing, to have brought a vexatious Suit or litigiously defended the same as such Court shall think proper; and to grant immediate Execution to any Party, Juror, Witness or other Person injured, to be levied in as full, and ample a Manner, as any other Decree, Order, Judgment, or Execution. PROVIDED that any Person conceiving himself agrieved by any of the inferior Courts, in awarding extravagant Damages and Costs, may, upon Application to the Governor, have the same further heard, and considered of in Chancery, where it may be mitigated and rectified, or enforced as to the Governor shall seem reasonable: which is to be final in the Premises, without further Relief by Appeal, or otherwise.-----[See Fees.]

Statute
 1758

Relief against extravagant Costs

COTTAGES

COTTAGES.----[See Land.]

C O U N C I L.

WHOSOEVER is sworn, and after telleth the Lord's Council, or his own, he forfeiteth three Pounds to the Lord.

Ordi-
nance
1422

C O U N T E R F E I T I N G.

COUNTERFEITING COIN.---[See Coin.]

Counterfeiting *the* Governor's or Deemster's Token.-----[See Deemster.]

C O U R T S.

Not to
be held
in Passion
Week

THE Lord, or his Lieutenant may hold a Court wheresoever pleaseth them, and do Execution as oft and where pleaseth him, within the Land of Man, except in Passion Week, at which Time Execution of Life and Limb ought not to be done. But as for Courts of Challenge, all Times in the Year, and Execution to be done.

Not to
fine or
imprison
arbitrari-
ly

No Court, Judge, or Magistrate, shall impose any Fine or Punishment upon any Person on Account of any criminal Cause, until he be first convicted by the Verdict or Presentment of four, six, or more Men, as the Case shall require, upon some Statute-Law in Force; nor shall imprison any Person arbitrarily, before a proper Complaint is made and lodged, and an Affidavit made to the Truth thereof.

Statute
1736

Courts of Justice, or Magistrates doing the Duty of their Offices, shall have and continue
the

the Power of committing and fining any Person for contemptuous Behaviour, insulting or abusing them, or any of them, in the Execution of their Duty, according to the Nature of the Offence. Statute 1736

T Y N W A L D - C O U R T.

Ancient
form of
Tynwald
Court

THIS is the Constitution of old Time how the Lord should be governed on the Tynwald Day :--- First he is to come thither in his royal Array, as a King ought to do, by the Privileges and Royalties of the Land of Man, and upon the Tynwald Hill sit in a Chair covered with a royal Cloth and Cushions, and his Visage to the East, and his Sword before him, holden with the Point upwards, his Barons in the third Degree sitting beside him, and his beneficed Men and Deemsters before him, and his Clerk, Knights, Esquires, and Yeomen about him, and the worthiest of the Land to be called in before the Deemsters, if the Lord will ask any Thing of them, and to hear the Government of the Land and the Lord's Will, and the Commons to stand without the Circle of the Hill with three Clerks in their Surplices, and the Deemsters shall call in the Coroner of Glanfaba, and he shall call in all the Coroners of Man, and their Rods in their Hands, and their Weapons upon them, either Sword or Ax, and the Moars of every Sheading : then the chief Coroner, that is the Coroner of Glanfaba, shall make a Fence upon Pain of Life and Limb, that no Man shall make any Disturbance, or stir, in the Time of Tynwald, or any Murmur or rising in the King's Presence, upon Pain of hanging and drawing : and all the Barons, worthiest Men and Commons, to make Faith and Fealty to the Lord ; and then to proceed in whatsoever Matters are there to do in Felony and Treason,

Ordinance
without
a date

Treason, or other Matters that touch the Govern-
ance of the Land.

No Tynwald shall be holden on the Lord's Day
but as often as the Feast of St. John the Baptist
shall fall upon the Sabbath. The Tynwald and
the Fair to be the Day following.

[See Highways.]

COURT of COMMON LAW, or SHEAD- ING COURT.

Form of opening the Court THE Coroner of Glanfaba is to open the Court of Common Law with this Proclamation. Custom-ary Laws 1577
"I do fence this Court that no Manner of Person do quarrel nor brawl, nor molest the Audience, and that they do answer when they are called, by Licence of the King and this Court. I draw Witness to the whole Audience that the Court is fenced."

Great Inquest Charge respecting Then to call in four honest Men of every Parish to serve upon the Great Inquest, to present all Trespasses that shall be done within the half Year, as follows : and their Charge is to be given to them viz. To present any who have abjured the Land and be received again into the same without the Lord's especial Pardon and Licence.

Petty Officers Tradesmen To present all petty Officers ; that is to say the Coroner, Lockman, Moar, and his Runners ; the Water bailiff and his Deputy, and the Forest-keeper and his Deputy, if they do not the Duty of their Offices according to Law ; and also all petty Craftsmen, viz. Shoe-makers, Cobblers, Taylors, Websters, Women-Weavers, and Smiths, who do not execute their Occupations justly, or do otherwise than the old Laws of the Land permit.

Also all Persons who go to the Hough where 1577
Lord's Hawks and Herons do breed, and take away
Game either old or young Hawks or Herons, or their
Eggs out of the Nests; and all such as go by Day
or by Night, with his Bow and Arrow to the
Lord's Forest, or with his Hounds or Grey-
hounds, to kill the Lord's Game.

Also all Persons who shall set Fire to any Ling,
Com- Turf, Gorse, &c. within the Lords Forest.
mons

Also all Persons who leave the Fell ditch or Lid-
gates open to the low Lands; also such as take
Wrecks up the Lord's Wrecks or Floats, further than the
low Water Mark, till above full Sea, without the
Coroner or Lockman, with two Witnesses, with
them.

Also all Persons that receive a common Thief.
Felons
And all Persons that keep stoned Horses not
Stallions worth six Shillings and Eight-pence, or scabbed
Horses or Mares.

Also all Persons who neglect to keep their
Boundaries Boundary Fences in lawful Repair; and Parish- Statute
ioners neglecting to keep the Pinfold in Re- 1665
Pinfold pair.---[See Boundary,---Pinfold.]

If the Plaintiff to an Action at Common Law,
after the answering of the Defendant, fail to Ibidem
Prosecute the same either at that Court, wherein
Plaintiff these Actions are put to a Jury, or at the next
non- Exchequer to be holden at furthest: then the
sued Plaintiff to be cast in his own Plea, and to be
charged the usual Fine to the Lord: Provided
that Sickness or other lawful Cause hath not
hindered him, and that to be proved by sufficient
Testimony, in which Case it will lie in the Dis-
cretion of the Court to give him further Time;
else if cast in his own Plea, to grant a new Com-
mencement of the Action at the next Court, and
at no Time after; and for the bringing in of the
Jury's Verdict at the same Court.

If

Wit-
nesses
abroad

If any Party to a Suit in the Court of Common Law, lives in Great Britain or Ireland, or wants Proof from thence to be taken under a Commission from the said Court, he shall have Time allowed for the same not exceeding a Year from the Time that Issue is joined, and a Jury sworn upon the same : and if any such Party lives in foreign Countries or wants Proof from thence, he shall be allowed Time at the Court's Discretion not exceeding three Years.

Statute
1736

When
and
where to
be held

A. Common Law Court shall be held at Castle-Rushen, or at such other Place as the Governor shall appoint, at the four following Terms of the Year : viz. Hilary Term, to begin Monday next after the first Thursday in February. Easter Term, on Monday next after the first Thursday in May. Trinity Term, on Monday next after the last Thursday in June. And Michaelmas Term on Monday next following the fifth Day of October; for hearing Actions, real, personal and mixed : at which Court the Governor may preside by the Deemster : and every Defendant to be summoned three days at the least previous to the Court Day : which Summons is to be verified by the Oaths of two Witnesses : whereupon the Plaintiff shall fill his Declaration, and therein set forth the Right or Title under which he claims specially ; and if the Defendant be off the Island, then such Summons shall be given not only to the Tenant in Possession, but Likewise Notice left at the Place of Abode of the Defendant ; and that each Defendant do enter his Appearance and proceed to his Defence, so that the same may be tried by a Jury the second Term : Provided that in Case the Defendant file a special Plea or Demurrer within twenty Days after the first Court, the same shall be argued at such short Time afterwards as the Court shall upon Application direct ; and in Case the same

Form of
sum
mons

Defen-
dant off
the
Island

Plea or
De-
murrer

Statute
1777

be

Special
CourtReason-
able
time
may be
allowed
the
Parties

be overruled, the Defendant shall pay Costs at the Discretion of the Court; and if within the Island be also obliged to join Issue, so as that the Cause may come on to be tried at the second Court; and if resident out of the Island upon the fourth Court, and in Matters of Debt where either Party shall be about to leave the Island speedily, the Suit may be heard and determined at a special Court, upon Application to the Governor: and in Case the Defendant or any of his Evidences live or be out of the Island, upon good Cause shewn, supported by Affidavit, such reasonable time shall be allowed for his Defence as the Court shall see proper: Provided that the Deemster shall hear and determine Suits in a summary way without a Jury as heretofore accustomed, and that this Act shall not restrain the Court from giving either Party such further Time for the appearing to Prosecuting, or defending their respective Suits, as the Court shall direct: any Law or Custom to the contrary notwithstanding.

Jurors

Evidence

Verdict

Traverse
or
Appeal

And whereas Inconveniences have arisen from Proceedings of Juries out of Court, It is ENACTED that all Suits at Common Law which require a Trial by Jury, shall be tried and determined at the Common Law Court, and the Juries for that Purpose shall consist of six Men, and the Court may upon Cause shewn order the Evidence to be taken in Writing, and the Jury shall return their Verdict in the Face of the said Court in Writing, and not depart therefrom until a Verdict is given: and if they do not agree upon a Verdict in any convenient Time, the Court may order them to be confined in some proper Place, and not to be discharged until they have returned their Verdict to the said Court or Magistrate. And if any Person shall apprehend himself aggrieved by such Verdict, he may traverse the

the same to the House of Keys, in all Actions 1777
wherein the Title of Land or its Appurtenances
come in Question, and by Appeal to the Gover-
nor in all other Cases whatsoever : who shall
proceed in such manner therein, as to him shall
seem right, and the Party traversing or appealing,
shall give in Bonds in three Pounds within
twenty-one Days from the Day of recording the
Verdict to prosecute such Traverse or Appeal
with Effect. Provided that this Act shall not al-
ter the present Mode of proceeding in a Summary
way by Jury of Inquiry to find out lost or stolen
Goods or Trespases, where a Jury of four Men
shall be sufficient; and that in the trial of all Suits
where a Jury is by Law necessary, the Court
before which such Trial is to be, shall at least
six Days before the sitting of the Court, Issue
Process to the several Coroners, requiring them
to summon two or more good and lawful Men,
as required out of each Parish, of which the
Jurors shall have at least three Day's Notice, and
at the sitting of the said Court every Coroner shall
make a Return, in Writing, of the Names of the
Persons so summoned, with their Addition and
Place of Abode; which shall be written by the
proper Officer of the Court, on distinct Pieces of
Paper of equal Size; and be by him given in
such Court Publicly to the Judge, or Magistrate
presiding, who shall cause the same in his Presence
to be rolled up and put into a Box : and when
any Cause is called to be tried, some indifferent
Person shall in open Court, draw out six of the said
Papers. And if any of the Persons therein named
and so drawn do not appear, or shall be challenged
by a Party and disapproved by the Court, a fur-
ther Number shall be drawn to compleat the Jury ;
and the six Persons so drawn and approved of and
sworn, (their Names being marked in a Pannel,)
shall be kept apart in a Box or Place during the
Trial :

Jury of
Inquiry

Mode of
impan-
nelling
Jurors

Trial : and the same Mode to be repeated in ascertaining Jurors as often as Occasion requires. Statute 1777
 And if a Cause shall happen to be brought on in the said Court before the Jury, in any other Cause shall have returned their Verdict, the Court may order six of the remaining Number to try such Cause and so on in like Manner. And if either Party move the Court for a special Jury, or Jury of View, a View shall be granted, and a special Jury returned, impannelled and sworn in such fair open and impartial Manner as the Court shall direct.

Special
Jury

Great
inquest

And it is also ENACTED that the Great Inquest and long Juries, and all Proceedings before them shall cease, and all Matters which were formerly cognizable before them shall be tried at Common Law.

CHANCERY COURT.

Defen-
dant
not ap-
pearing

IT shall be lawful for the Chancellor to take cognizance of any Cause, and to examine Evidence therein, and finally to hear and determine the same, and proceed to a Decree, at any fourth Chancery Court, in the Defendant's Absence or Non-appearance : Provided it appears by Matter of Record that he hath been regularly and legally summoned to the said several Courts, and stood out the several Attachments and Processes of Contempt. Statute 1758

To
make
Rules of
Practice

Whereas the Court of Chancery hath hitherto exercised a mixed Jurisdiction of Law and Equity, which may occasion Doubts and Difficulties in Practice, and great Expence and Delay, It is Enacted that the said Court shall have full Power to make such Rules and Orders from Time to Time touching its own Practice and Proceedings, and for the better Conduct of Suitors and Practitioners Statute 1777

as shall be found expedient: which said Rules and Orders shall be written in a fair Hand, and hung up in a conspicuous Place in the said Court. Statute
1777

Extravagant Costs awarded by inferior Courts to be mitigated in Chancery.---[*See Costs.*]

Proceedings in Chancery respecting Titles of Land.---[*See Actions real.*]

[*See Mortgage.*]

COURT of EXCHEQUER.

WHEREAS all Disputes relating the Rights of the Crown, the imposing of Fines, and the recovering of Debts or Duties due to the Sovereign, and the determining the Rights of Tithes, being properly cognizable in the Court of Exchequer, It is ENACTED that the said Court shall be held regularly on the Day after every Chancery Court, or immediately after on the same Day if the Governor shall think proper: And the Attorney General shall in the first Instance prosecute all Offenders in Revenue Matters by Summons or Process in the Nature of a Capias, praying an Arrest against the Defendant's Person, which Capias is returnable at the next Court after the issuing thereof, three Days being allowed between the Service and such Return; and when any Offender shall be thereupon apprehended, or shall have given Bail for his personal Appearance, the Attorney General shall, before the second Court, file an Information, setting forth the Cause of Suit; of which Information being filed, three Days Notice to be given to the Defendant, or his Attorney, before such second Court, requiring the Defendant to appear and plead Statute
1777

When
to be
held

Pro-
ceedings
therein

plead thereto at such second Court, and in Default of such Appearance, Judgment and Execution to go against the Defendant's Person and Effects: and at such second Court the Matter shall be heard and determined, unless sufficient Cause shall be shewn to the contrary; and the Governor is empowered to make such Orders and Rules from Time to Time for the better regulating the Practice and Proceedings of the said Court, as Occasion shall require.

Statute
1777

COURT of GENERAL GAOL DELIVERY.

Proceed-
ings
therein

WHERE any Person shall be indicted and committed to Prison; at least three Days before the sitting of the said Court, a Jury shall be convened according to ancient Custom, consisting of twelve good and lawful Men, to try the Fact before such Court: and the said Court shall be held at Castle-Rushen, as Occasion shall require, by Order of the Governor; at which Court all Persons indicted shall be arraigned as heretofore accustomed.

Statute
1777

COURT ECCLESIASTICAL.

Con-
tempt for
non-ap-
pearance

THE spiritual Court shall not hereafter imprison any Person upon a Contempt for not appearing before them upon any Process or Citation; but instead thereof, upon Application to the Governor, and producing to him the Certificate of the Contempt, a Soldier shall be granted to take such Contemner before the said Court, on any Day appointed, and a reasonable Fine to be let upon him for the Contempt, as accustomed in such Cases in the temporal Courts: Provided that when the Sumner is put to Trouble to apply for a Soldier, the Contemner shall pay him Two-

Statute
1737

Sumner's
dues

pence

pence for every Parish through which he shall travel, before such Contemner be released out of the Soldier's Custody. 1737

No Appeal from the ecclesiastical to the temporal Court, in certain Cases.---[See Appeal.]

—To take sufficient Security on granting Probate, or Administration.---[See Administration.]

—Limitation of Claims and Suits in the ecclesiastical Court.---[See Claims.]

[See Clergy,---Fees,---Intestate.]

DEEMSTER'S COURT.---[See Deemster]

HIGH-BAILIFF'S COURT.

[See High-Bailiff.]

CURATES.

ALL Curates hired from Easter to Easter, or longer, shall give a quarter of a Year's Warning before Easter Day to his Master, in Case his Will be to depart, and go away from him: and the Master shall give the like Warning to his Curate in Case he will put him away. PROVIDED the Ordinary shall place and displace all such Curates at his Discretion. Book of Spiritual Laws

[See Clergy.]

DAMAGE.

[See Arrest,---Beasts,---Slander,---Trespass.]

DECEADENT.

DECEADENT.

[See Children,---Claim,---Intestate,---Mortuary]

DEEMSTERS.

IN great Matters and high Points, the Lieutenant, or any of the Council for the Time being, to take unto them the Deemsters, with the Advice of the Elders of the Land, to deem the Law truly to the Parties, as they will answer thereof: and all doubtful Points to be registered up in the Treasury, that they may be ready when the like Chance falleth, that one Doom be not given at one Time, and another contrary.

Ordinance
1422

[See Account,---Boundary,---Breach of the Peace,---Counterfeiting,---Courts,---Dogs,---Felon,---High-Bailiff,---Officers.]

DEFENDANT.---[See Costs,---Court.]

DEMURRER.---[See Court of Common Law.]

DEPOSITION.

NO Copy of a single Deposition shall be given from the Rolls'-Office, without the whole Depositions.

Statute
1734

DESCENT.---[See Heir.]

DÉTINUE.---[See Action Personal.]

DILAPIDATIONS.---[See Clergy.]

DITCHES.

DITCHES,---[See Boundary.]

DISTRESS,---[See Execution.]

DIVORCE,---[See Adultery.]

D O G S.

FORASMUCH as there are daily Complaints of great Losses and Nuisances occasioned by Dogs worrying Sheep and Lambs, and doing other Damages in this Isle, and that the legal Relief against the same hath been found very dilatory and insufficient; for the more speedy and effectual Remedy thereof, It is ENACTED that after the Publication of this Act, upon the first Instance and Complaint of any Damage being done by any Dog belonging to or harboured by any Person, and Proof thereof made by the Testimony of one single Witness, or by strong Circumstances, before the Deemster, who is hereby authorized to take Cognizance thereof, or to direct the same to be inquired into by a Jury, as he shall, in his Discretion, think most proper, and afterwards to judge of the Fact, and award the Damages, and thereupon to grant Execution against Persons keeping, harbouring, or encouraging such Dogs in or about their Houses that shall appear to have done such Damages as aforesaid, for the said Loss and Damage, estimating a Mutton after the Rate of five Shillings, a Sheep four Shillings, and a Yearling and a Lamb at three Shillings severally; and also order the said Dogs to be forthwith hanged or destroyed. And if the Fact cannot be made plainly to appear against such Dogs in Manner aforesaid, but there shall be Circumstances that any Dog complained of is

Statute
1758

Annoy-
ing the
High-
way

any way suspicious of the Fact, or annoying the High roads, then the Deemster may Law-fully order such Dogs to be forthwith hanged or destroyed. 1758

Tax on
Dogs

Every Person having, keeping, or making Use of any Grey-hound or half bred Grey-hound, Pointer, or Spaniel, for coursing, pointing, sewing, or shooting, or any Dog, fit for or that shall be made Use of for any of the like Purposes, shall yearly pay the Sum of six Shillings for each and every such Dog, and for each and every Hound, Beagle, or other Dog, fit and proper for hunting, or which shall be made Use of for that Purpose, three Shillings yearly, and for every other Dog not used for Diversion, or fit for killing Game, Six-pence, yearly : which Sums are to be collected yearly by the parochial Surveyors of the High ways, between the first Day of September, and the first Day of March in each Year, and the said Surveyors shall make a true Account in Writing of such Dogs in their respective Parishes, and by whom kept, and shall deliver the same with the Sums collected, to the Clerk of the Rolls, upon the first or second Day of May in each Year ; and they are thereupon to be allowed and paid a Shilling in the Pound out of such Money, for collecting and paying in the same, and the Remainder thereof to be added to the Fund arising from Public-House Licences, and applied to the Use of the Highways ; and if any Doubt or Dispute arise concerning the levying and collecting of the said Sums, the same shall be heard and finally determined by and before a Deemster. Statute 1776

D O W E R.---[See Baron and Feme.]

D R A I N S.---[See Land overflowed with Water.]

DRUNKARD.

D R U N K A R D.

AS often as any Man or Woman shall be found drunk, the Party so offending, if not of Ability to pay a Fine, shall for the first Offence, be punished in the Stocks, for the second, be tyed to the Whipping-stocks, and for the third be flogged therein.

Ordi-
nance of
Gover-
nor,
Council,
Deem-
sters, and
Keys
1610

-----To be presented,---[See Church-wardens.]

E C C L E S I A S T I C A L.

[See Children,---Church,---Clerg,---Court.]

E M B A R G O.

How to
be laid

NO Order, Precept, or Command, prohibiting the Importation or Exportation of any foreign Goods, or any Goods of the Growth, Produce, or Manufacture of this Island, shall be granted or made without the Consent of the Governor, Council, Deemsters and Keys of the said Isle: Provided that if it appears upon any just Complaint made to the Governor that the Public want Corn or other Necessaries by too great an Exportation, or suffer by a more than usual Importation of any Goods or Merchandize, then the Governor is to call the Council, Deemsters, and Keys to consult and consider of the same, and give Orders therein according as they shall see most necessary for the public Good of the Island.

Statute
1737

ENGROSSING.---[See Market.]

ENTRY.---(See Act of Settlement.)

EXCHEQUER.

EXCHEQUER.---(See Court.)

EXCOMMUNICATION.

(See Church-Censures.)

EXECUTION.

WHEN any Action is recovered, the *Moar* Book of
 shall go to his House who is judged to make A- Temporal Cus-
 Taking mends for any Trespas committed between Party tomary
 and fel- and Party, and shall deliver sufficient Stress or Laws
 ling Pawn Double within fourteen Days after Judgment is 1577
 given; and the said Stress to be called at the
 Church three several Sundays together: and if he
 that oweth it do not come and loose it upon the
 fourth Sunday or sooner, the Officer may sell it
 lawfully, and the Party loseth it for ever, having
 the Overplus paid back to him.

Whenever any Coroner or Lockman shall sell Statute
 pawn goods, or goods taken in Execution under 1748
 any decree or Execution whatever, by public
 Coroner's Cant or Auction, he shall have and be allowed
 dues up- on an Execution for his extraordinary Trouble, loss of Time and
 Expences, a Shilling out of every Pound, to be
 retained out of the said Goods, exclusive of the
 Creditors Debt, and the former Fees and all other
 Charges attending; which Poundage is to be re-
 gulated by the Debt in Execution: and in like
 Manner to be allowed upon the Sale of any
 Goods by Auction under any interlocutory Order
 of the Court of Chancery, one Shilling in the
 Pound of the Produce thereof.

F A I R.-----[See Market.]

* Note, this Dity now belongs to the Coroner's Office.

FALSE

FALSE IMPRISONMENT.---(See Arrest.)

F E E S.

Statute
1734

ROLLS' - OFFICE FEES.

ENTERING an Action and a Copy } *£. s. d.*
 thereof, containing one Side of } 0 0 6
 half a Sheet of Paper,

But if it exceeds the common Length of Actions, then for every twenty-four Words a Half-penny.

Copy of an Action and Decree in }
 Chancery, } 0 1 0

But if it exceeds one Side, then for every twenty-four Words a Half-penny.

* For making every Entry at the }
 Sheading Court and every Entry } 0 0 2
 of a new Rent,

A Copy of every Entry, 0 0 3

A Presentment against a single Person, 0 0 3

And if there be more, then 0 0 6

Every Affidavit taken in Writing in }
 Court, } 0 0 6

Continuance on an Action in Chancery, 0 0 6

For recording all Deeds, 0 0 6

And to number them and keep a Book containing the Parties' Names, and the Number whereby they may be the more readily found; to which the People are to have Recourse for that Purpose.

All Judgments, Verdicts, and Petitions to be recorded free, (Setting Quests' Returns excepted) and a Copy of every Verdict to be given without the Depositions, but no Copy of any particular Deposition without the whole.

For the Court's Confirmation of every deed payable to the Officers as }
 formerly. } 0 1 0

* Note, the Fees for making Entries and Copies of Entries, now appertain to the Court-Baron.

Search

Search of every ten Years' Rolls,	}	£.	s.	d	Statute
Bundles, or Books, whereof to give		o	o	6	1734
a Certificate, if desired,					
But if the Record be found in the first or second Book, to pay Nothing for the Search, otherwise the Six pence to be paid.					
Entering a Claim for Lands, &c.		o	o	6	
And for a Copy thereof,		o	o	6	
Cancelling and drawing a Discharge	{	o	o	6	
on a Deed of Mortgage,					
Copy of a short Statute,		o	o	3	
And every other Statute, for every 24 Words					
a Halfpenny.					
Every Ale-house-Recognizance,		o	o	7	
Sealing every Weight or Measure,		o	o	1	
Recognizance of the Peace,		o	o	6	
Administring the Oath to every Of-	}				
ficer spiritual or temporal, and al-		o	2	6	
so to every Soldier, and enrolling					
the Commission or Warrant,					
Entering a Traverse,		o	o	6	
And for every other Copy of Record not herein before mentioned, to pay a Halfpenny for every twentyfour Words.					

SOLDIER or CONSTABLE and PORTER'S FEES.

NO Fee to be received for taking	}				
from the Court to the Guard or		o	o	4	
Prison, except the Porter's Fee,					
To a Soldier for bringing any Per-	}				
son (Moars excepted) before any		o	1	o	
Court, if the Person be within					
three Parishes of the Court,					
And for every Parish they go through	{	o	o	4	
afterwards,					

If a Defendant to an Action of Arrest does not give Bail on serving the Action, and refuseth to go with the * *Searcher* to Prison, so as to oblige him to call for Assistance, then such Defendant to pay the Soldier's Fee that comes to assist for confining him in the next Garrison, but if he goes quietly with the Searcher to Prison, then to pay only the Searcher's Fee,

£. s. d. Statute
1734

o o 6

SPIRITUAL-COURT FEES.

FOR writing Probate of a Will,	o	1	2	Statute 1748
But for a poor Person's Will only,	o	o	4	
Granting Administration of Intestate's Goods,	}	o	3	4
But if a poor Person only,		o	1	o
Granting Administration of a Minor's Goods,	}	o	o	6
Reference to a Petition,		o	o	6
Writing Agreement between Parties in Court,	}	o	o	6
Writing Consent of a Husband to a Wife's Will, or of a Wife to a Husband's Will, on the Probate,		o	o	6
Every Deposition taken in Writing upon a Hearing,	}	o	o	3
Registering an Inventory,		o	o	4
Without any Allowance for Additions made afterwards,				
Registering a Claim 2d. and a Copy thereof 2d.	}	o	o	4
With Copy with the Order thereon,		o	o	3
				Crossing

Note, This Duty is now done by the Constables, and the Searcher is merely an Officer of the Customs.

Crossing the Name of a Person presented,	0	0	2
Writing Discharge on the Registry to an Executor, Administrator, or Guardian,	}	0	0 2
Copy of every Will and Probate, In- ventory, Decree, or other Matter, contained, according to the com- mon Way of writing, in one Side of half a Sheet of Paper,			
And if it exceeds that Length, to have for every twenty four Words a Halfpenny.			

And all their Orders, Sentences, and Decrees made between Party and Party, are to be registered, that the Parties may obtain Copies.

A T T O R N E Y ' s F E E S .

RETAINER,	0	2	1
Attendance receiving Instructions,	0	3	4
Drafting Bill in Chancery, for each Sheet written on all Sides except the last Sheet, if it should happen not to be wholly written,	}	0	3
Filing the same, and ordering an Of- fice Copy 1s. 2d. and Attendance at the Office receiving the said Copy, 7d.			
Taking out a common Action,	0	0	
Attendance obtaining Process on a Bill or Action,	}	0	1 2
Attendance on the Constable direct- ing the same to be served,			
Drawing Petition, for each Sheet, written on all Sides except as a- foresaid,	}	0	2 1
Preferring the same for an Order,			
Common Motion in Court,	0	2	1

Drafting Answer of a Defendant, for each Sheet written on all Sides except as aforesaid,	}	£.	s.	d	Statute
		0	2	11	1777
Drawing Replication, Rejoinder, Demurrer, or Exceptions,	}	0	2	4	
Drafting a Plea, or such like special Proceeding, for each Sheet written on all Sides, and fair copying the same,	}	0	2	11	
Attending the Examination of Evidences	o	5	10		
And if a whole Day or more, for each day	o	12	3		
Preparing and producing a Brief for hearing any Proceeding on the Merits,	}	0	3	4	
And if more than one Sheet, 3s. 4d. per Sheet.					
Arguing the same on the Merits,	o	5	10		
But if the Matter be by Bill, Answer and Depositions,	}	0	12	3	
The foregoing Fees to arise on Business done in the Court of Chancery, Exchequer, Common Law, Admiralty, spiritual, or manerial Courts.					
Attendance on the Deemster on a common Application,	}	0	1	2	
Arguing on a Trial before the Deemster,	o	2	11		
Appearing before a Jury,	o	2	11		
And if a whole Day or more, for each Day	o	12	3		
Attending Business before any Court, Judge, or Jury, for each Day,	}	0	12	3	
Taking Depositions before a Jury, each Deposition,	}	0	1	2	
Drawing any Deed of Conveyance, Will, or Instrument,	}	0	2	11	
But if the same take up more than one Sheet, then for each Sheet written on all Sides except the last as aforesaid,	}	0	2	11	
Drawing personal Bond, Note, Draft, or the like,	}	0	1	2	
Drawing a Verdict,	o	1	2		
Journey and Attendance on Business for each Mile,	}	0	1	2	

Which

Which Journies and Attendance are to be ^{Statute} paid for over and besides the Fees arising for ¹⁷⁷⁷ Business done at the Place of such Attendance.

^{Taxation of Costs} In Case any Dispute arises between the Attorney and his Client, or other Party, subject to the Payment of a Bill of Costs, such Attorney shall give a Copy of the Bill to the Person disputing the same, and afterwards cause such Person to be noticed of the Taxation of such Bill, six Days, at least, previous to the taxing thereof. And in Case such Bill be found just and fair, upon Taxation, the necessary Trouble and Charges attending the same to the Attorney, shall be added and allowed him, along with the Amount of such Bill.

And in Case the said Bill be overcharged, and that the Party had just Cause to litigate the same, then such Party shall be allowed for his Trouble in the Dispute, by the Clerk of the Rolls, and such Allowance to be deducted off the Bill of Costs.

F E L O de S E.

^{Forfeiture of Goods} WHEREAS the Wife of John Moore did perish herself: all such Goods as were belonging to her are the Lord's, by his Prerogative, except ^{Ordinance of} what belongs to the Coroner, which are Corbs: ^{Deem-} viz. her outermost Garment, broken Hag-yard, ^{sters and} all Beasts under three Years of Age, her Part of ^{Keys} the Houses, these Goods being found free. ¹⁴¹⁹

Item, the Deemster to have four Shillings, and the Moar four Shillings, or else the third Penny. Such Costs as were made on her Burial not to be on her Part of the Goods, for they were forfeited to the Lord before.

Also

Also that all the Debts be paid of the whole Debts Goods, and then the said Forfeitures to be of the free Goods.

F E L O N.

Felon's Goods to whom forfeited **ALL** Felons' Goods, as Horses, Mares, Oxen, and Kine above two Years old, belong to the Lord, and those that are two Years and under to the Coroner. Also the Sheep that be a Year old and under have been given to the Coroner. And also if there be a broken Rook of Oats, we have seen the Coroner have the Felon's Part thereof. All Sheep above a Year old, and all Corn not broken, fall to the Lord. Also Swine of whatever Age, with all other Goods, belong to the Lord, except the Corbs that should pertain to any Heir by the Law, those the Coroner should have. All the Goats to belong to the Queen of Man.

Ordinance
of Coun-
cil and
Keys
1504

Goods of others in his possession If any Inlayne or other By-Man, have any Goods with a Felon, he must make Suit for his Goods from the Time that the Felon is indicted, until he be condemned: and if he doth not, the said Goods are in the Lord's Grace, if he be within the Land that claimeth such Goods.

Deemsters' and Moars' Perquisites

The Deemster and Moars shall have their Fees out of the Coroner's Part: if it come to twelve Shillings, the Deemster shall have four Shillings, the Moar four Shillings, and the Coroner four Shillings. If it be under twelve Shillings, to have after that Rate, and all that is over the said Fees to be the Coroner's.

Prosecutor

Whosoever is apprehended for Felony and condemned to die, the Party that sueth him to Death can have no more than is found in his Hands which he is condemned for, although he confesses that he had more, for that which he had is my Lord's by his Prerogative,

Customary
Laws
1577

No

Harbor-
ing
Felons

No Person dwelling on the South-side shall receive any common Thieves which dwell on the North-side; and so *vice versa*; for if any do as aforesaid, he is a Felon by the Law, as well as he that stealeth the Goods: and such to be presented by the Great Inquest.

Custom-
ary Laws
1577.

Capital
Thefts

Wheresoever any Thief shall be found to steal either Mutton, Sheep, Lamb, Goat, Kid, Swine, or Pig, the same shall not be priced by the Jury of Indictment, as hath been accustomed, who sometimes valued such Goods under the Value of Six-pence Half-penny, out of a foolish Pity and partial Regard to extenuate the Rigor of the Law: But every Sheep, Mutton, or Lamb, of what Age soever they be, being stolen, shall be found to be Felony in the Offender to Death, *ipso facto*, upon the Inquisition taken, without valuing or distinguishing the Price.

Statute
1629

The stealing and cutting of Bee-hives in Gardens, shall be Felony in like Manner to Death, without valuing the same. And whereas heretofore such as have stolen Turf, Ling, Gorse, robbed Gardens, clipped other Men's Sheep, stolen Corn and Hay out of Fields and Hag-yards, stolen Geese, Hens, Ducks, or such like Pilferies and Felonies, have all of them been connived at and slightly let pass: It is therefore ordained that all such Manner of Theft, if it amount to the value of Six-pence Halfpenny, shall be Felony to Death in the Offender; and under that Value to be whipped, or set upon a Wooden-Horse ordained for such Offenders, at the Discretion of the Captain: and every Coroner so often as such Cases happen, shall choose and impanel of the most sufficient Men in the Parishes to be Jurors: and if any refuse or be disobedient, the Coroner to use no Delay to present them, that they may be fined, not troubling any of the Twenty-four Keys in

Petty
larceny

Jurors

in these Services, unless they be specially commanded thereto by the Captain.

Evidence Whereas Juries upon Trials of Felonies sometimes will not find Malefactors guilty, unless the Fact be proved against them by two positive Witnesses, which can seldom happen : It is therefore Enacted, that one credible Witness proving the Fact, and supported by probable Circumstances, or the Mainour being upon Search, or otherwise, found with or upon the Malefactor as aforesaid, shall be held good and sufficient Proof in Law to convict such Malefactor. Statute
1737

In case of doubt upon the Evidence And in Case any Doubt shall arise to the Jury, in Relation to any Evidences, or Circumstances before them, they shall ask the Opinion of the Deemsters, in Court, whether the same amount to Conviction, or whether the Criminal deserves any lesser Degree of Punishment, as burning in the Hand, or whipping : and it shall be lawful for such Jury, as such Matters shall appear to them, to find and return their Verdict in the Premises accordingly. But if such Jury be found to act partially, or illegally, or contrary to Evidence, the Keys to be called to pass upon their Proceedings in Manner as formerly accustomed.

Verdict

Jury acting partially

Compounding Felony And if any Prosecutor in a criminal Prosecution, or any other Person, by his Privy, Order, or Direction, shall compound or agree not to proceed in such Prosecution, after a Hand-Suit given to the Coroner or Lockman, or after stolen Goods found upon Search, pursuant to the Deemster's Token, or shall by Corruption, or other indirect Means, refuse or decline making Proof to the Mainour, when found as aforesaid ; such Persons, being convicted thereof by a Jury, shall be fined any Sum not exceeding six

Pounds, thirteen Shillings and Four-pence, to the Lord of the Island.

None to be impri-
soned ar-
bitrarily. No Court, Judge, or Magistrate, within this Statute
Isle, shall impose or inflict any Fine or Punish- 1737
ment upon any Person on Account of any cri-
minal Cause, until he be first convicted by the
Verdict or Presentment of four, six, or more
Men, upon some Statute-Law in Force in the
said Isle; nor imprison any Person arbitrarily,
before a proper Complaint is made and lodged,
and Affidavit made to the Truth thereof.

Petty
Larceny,
how pro-
ceeded
against In all Complaints of petty Larceny, it shall Statute
be lawful for the Governor, Deemsters, or other 1753
Magistrates, who have Jurisdiction of Inquiry,
as it appertains unto them in their several sta-
tions, to grant the Party injured a Process to the
proper Officer, for a Jury of Inquiry, to inquire
of and discover the Offender, by Examination
upon Oath, in Manner following: That is to
say, upon such Complaint of Petty Larceny, in
all Things left to the Valuation of a Jury, by
the Statute 1629, and other Instances of such
like Nature, the Method of proceeding shall be,
that all suspected Persons and others, who shall
be summoned to the Jury of Inquiry, which in
that Case is to consist of six Men, shall be exa-
mined upon Oath, and be obliged to give their
Oaths in Relation to the committing the Fact
inquired of, either by themselves or others; and
if any Person conscious of his Guilt, shall refuse
to give such Satisfaction, upon Oath, for the
Discovery of the Offender, the Person so refusing
shall be held as guilty of the Fact. Or if the
Larceny shall, upon Inquiry, be found by the
Jury, in either Case they shall verdict and leave
the Offender to be fined and punished, at the
Discretion of the Court; Provided that if the
Larceny in Question shall appear or turn out
to be Grand Larceny, to the Amount of Six-
pence

Persons
refusing
to clear
them-
selves

Punish-
ment

Grand
larceny.

pence Halfpenny, by the Valuation of the Statute Jury, then the same Jury shall proceed by Way ^{1753.} of Inquisition for Felony : and upon Proof, Confession, strong Presumption, or Suspicion supported by prevailing Circumstances, shall indict the Offender, according to the common Course of Law ; and the Oath first given them shall be to that effect.

Proceed-
ings in
matters
of treason
& felony

When any Person shall be apprehended on Statute Suspicion of having committed Treason or ¹⁷⁷⁷ Felony, the Coroner in whose Sheading the same has been committed, shall, after the Offender is taken into Custody, and secured by him *ex officio*, thereupon proceed by Warrant from a Deemster, and summon a Jury of six good and lawful Men, out of the Sheading, together with all such Persons as can give any Testimony in the Matter to appear before the Deemster ; and in his Presence, and under his Direction, to make Inquiry and take Evidence in Writing, touching the Facts complained of. And the Deemster, after due Inquiry and Examination had as aforesaid, is hereby required to receive the Indictment or Verdict of the said Jury. And to transmit the same together with the Depositions to the Rolls-Office, and to release, admit to Bail or Imprison, such Person so indicted, as the Nature of the Case shall require.

Bail

Arraign-
ment.

And when the Prisoner is so indicted and committed to Prison ; at least three Days previous to the Court of General Gaol Delivery (at which Court all such Persons are to be arraigned and tried) a Jury shall be convened according to ancient Custom, consisting of twelve good and lawful Men, to try the Fact before such Court.

[See Court.]

Defacing REGISTRY of MARRIAGE, *Felony.*

[See Marriage Act.]

Assisting

Assisting FELON to escape.

[*See Prison.*]

F E M E C O V E R T.

[*See Baron and Feme.*]

F E N C E S.-----[*See Boundary.*]

F I R E.

Firing the COMMONS to be presented by the
G R E A T I N Q U E S T.

[*See Court of Common Law.*]

F L O T S A M.-----[*See Wreck.*]

F O D D E R - J U R Y.

None to **NO** Cotler, Intack-holder, or Cottage-holder, Statute
1691
keep or any other, shall keep more Horses, Cows,
more cat-Oxen, Sheep, or any other such Cattle than what
tle than they have sufficient Pasturage for in the Summer,
they have and a Sufficiency of Hay, or other Fodder in the
fodder for Winter. And the Coroners of the several Shead-
ings are to impannel and swear four honest and
judicious Men in every Parish (three of whom at
least to be Farmers) upon the 25th of March, in
each Year, to be a standing Jury, and make In-
N 2 spector

specification into what Provision of Grafs or Fodder the said Cotlers, Intack, and Cottage-holders, or such like Persons do make for their said Cattle, as well in Summer as in Winter; and to make true Report thereof in Writing under their Hands, unto the Governor and Officers at the first Courts that are holden after the 25th Day of March, and 29th Day of September, in every Year, or at other Courts, when thereunto required that the Court may judge whether such Persons have made sufficient Provision of Fodder. And if they find upon such Report that any such Person doth keep more Cattle than what he hath made Provision for, an Order is to be granted from the said Court to the Coroner to make Sale of such Cattle as Provision hath not been made for, according to the current Prices or Rates, and to deliver the Price thereof to the Owner of such Cattle, deducting a Shilling out of the Pound for his Trouble.

Such cattle to be sold by the Coroner.

Fodder Jury partial.

And if the said Jury be remiss or partial in their Proceedings, upon Complaint and Proof thereof made, they are to be fined and punished at the Discretion of the Governor and Officers.

Coroner neglecting to swear the Jury

If any Coroner neglect or refuse to swear a Fodder-Jury, yearly, upon the 25th of March; upon Complaint made, or Knowledge given thereof to the Court, he shall be fined three Pounds to the Lord. And the Fodder Jury, when sworn, shall directly proceed to do their Duty, under the Penalties prescribed by the said former Act, and that *ex officio*. And the Farmers are to be included, and proceeded against, in the same Manner as the Intack and Cottage-holders, each of them to give an exact Account of his Cattle, Horses, and Sheep, to the Fodder-Jury, under Penalty of three Pounds for every Default; and the Jury is to take especial Care that all Persons whatsoever have provided sufficient Fodder, and

Statute
1753.

Farmers included

Duty of the Fodder Jury

and have the same in their own Possession, otherwise to proceed against them, according to the Directions of this and the former Act, not allowing the common and evasive Excuse of depending on being supplied by others; and to the End that such Juries be made up of the better Sort of People; the Coroners are to give a List of their Names some Days before they are sworn to the Deemsters for their Approbation.

Statute
1753.

FOREIGN DEBT.---[See Arrest.]

F O R E S T E R.

Forester's
Duty

THE Forester, or his Deputy, ought to go forth through the Forest to the highest Hill, and there blow his Horn thrice; the same done, after to range and view the Forest, and on the third Day to go forth, and such Company as he shall think fit to see what Sheep there be unshorn. And if he find any such, he ought to take them with his Dog (if they be not milch Sheep) to shear them, and take the Fleece to his own Use, and put a private Mark on the said Sheep, to the Intent, that if any such Sheep be found the next Year, by the said Forester, he shall certify the *Comptroller and Receiver* * of the same, that they may be recorded in the Court Books, that they may be appraised and sold to the Lord's Use: and if he find any Lamb, Sheep, Goat, or Kid, within the Forest, unmarked, he ought not to claim such as due to the Forester, but to put a Privy-Mark on the same, to the Intent that if he finds any such the next Year, not claimed by any Person who hath just Title thereto, then the same to be appraised and sold to the Lord's Use.

Ordinance of
Council,
Deem-
sters, and
Keys
1504

* Now the Seneschal.

Forester's dues All Manner of Persons that go to the Forest for Turf, ought to pay the Forester a Halfpenny: and if the Party put in Stone-horses and Cattle, he should pay a Penny Halfpenny. Customary Laws 1577

It shall not be lawful for the Forester to go forth to clip Sheep on the Commons as his Perquisite, till the 21st of June in every Year. Statute 1748

FORESTER not doing his Duty to be presented by the GREAT INQUEST.

[See Court of Common Law.]

FORESTALLING.---[See Market.]

FORTS and GARRISONS.

[See Carriages.]

F R A U D.

Fraudulent conveyance ALL fraudulent Assignments, or Transfers of Debtors' Goods, shall be void against just Creditors. Statute 1737

FRAUDS in procuring TITLES to LANDS.

[See Action Real.]

G A M E.

Heron, Hart, & Hind. IF any Hawk, or Heron, Hart, or Hind, be taken by any Manner of Man, he forfeiteth for every Time, three Pounds to the Lord. Resolution of Deemsters &c. 1422

Wild Deer & tame Deer Whosoever goeth to the Forest, either by Day or by Night, to kill the Lord's Game, ought to pay three Pounds for every one of them, as well young as old; and for every tame Deer five Pounds. Customary Law 1577

Pounds ; and to be imprisoned at the Discretion of the Officers. And whosoever goeth to the Hough where the Hawks or Herons do breed, Hawks & Herons if he takes any one of the old or young ones, or their Eggs, he forfeits three Pounds a-piece to the Lord.

And if any Persons go to the Houghs where the Herons do breed, to take old or young Herons, or their Eggs, or goeth by Day or Night, with his Bow and Arrow, to the Forest, to kill the Lord's Game, they shall be presented by the Great Inquest. Killing the lord's Game presentable.

Whereas of ancient Time it hath been accustomed that no Person should use shooting with a Hand-Gun, at any Fowl, or hunting or coursing the Hare within a certain Circuit near unto the Castle ; that is to say, from the said Castle, near unto Kentraugh Bourn, in Kirk Christ Rushen, and following the said Bourn up to the Fell-dike, to the north-eastwards, unto Kirk-Santan Bourn, and so along the said Bourn to the eastwards, unto the Castle again ; which said Circuit hath been reputed and called the Lord's Warren : It is ordered, by the Captain, Council, and Deemsters, that no Person, of what Estate, Condition, or Degree soever, (the said Captain and Council excepted,) shall shoot with his Hand-Gun, or Fowling-piece, at any Fowl, or hunt, or course the Hare with any Greyhound, Bitch, Beagle, Curr, or Mongrel, wittingly and willingly, within the said Circuit, upon Pain of forfeiting to the Lord, for every Time, two Shillings and Six-pence, to be levied upon his Goods, Lands, Tenements, Wages, or Fees, without the especial License of the said Captain and Council, or one of them they or any of them licensing any Person so to hunt, or shoot, for the Use of the Person so giving License, and not for the Use and Pleasure of the Person Ordinance of Governor and Council 1585

Person so shooting, or hunting; and that there shall be six honest and substantial Men, dwelling in several Parts of the said Circuit, at the Discretion of the said Captain, chosen and sworn at every Court, to come in; and that they, jointly or severally, present all Offenders herein; and that there shall be four honest and substantial Soldiers, who are not common Shooters, or Hunters themselves, by the like Discretion of the Captain, chosen and sworn to make Presentment of such of the Soldiers, or others, as offend as aforesaid; and it shall be lawful for all other Persons to make such Presentments. And if any of the Persons chosen to make Presentments as aforesaid, do know of any such Offender, and not make Presentment thereof, at the next Court after, they shall be punished as for Perjury. And this Order to be in Force until the Lord's further Pleasure be known.

Ordi-
nance
1585

[See Shooting.]

G A R D E N.

STEALING *out of* GARDENS.---[See Felony.]

G E E S E.

---Trespassing.---[See Trespass.]

G E N E R A L G A O L D E L I V E R Y.

[See Court.]

G E N T L E M A N.

---His Costs *as a* Witness.---[See Costs.]

GLEBE

GRAND JURY.---[See Felony.]

G R E A T I N Q U E S T.

Plaintiff **I**T is enacted, that when any Person comes to Statute
the Coroner, Lockman, or Serjeant of any 1737
Barony, with Authority to convene the Great
Inquest upon any Cause, such Person shall, be-
To depo- sides the usual Fee, deposit two Shillings into
fit their such Officer's Hands, to the End that the same
Charges may be applied to the Charges of the said In-
quest: Yet if it should afterwards appear, that
the Defendant was the Cause of the Trouble
given to the said Inquest; it shall then be lawful
for the Magistrate who accepts their Verdict to
grant immediate Execution to the Plaintiff, to
levy as well the said two Shillings, as all other
occasional Fees; of and from such Defendant,
without further Suit.

Whereas Disputes concerning Ways, Water- Statute
courses, and Boundaries, and the like have been 1753
inquired and decided in by Great Inquests: It is
ordered, that no such Dispute shall go to a second
Great Inquest, but that all Disputes and Differ-
ences whatsoever, proper for the Inquiry of a
Great Inquest, shall first be verdicted in by such
Traverse Great Inquest; and either Party may, within
to a long twenty-one Days from the recording of the Ver-
jury dict, and not afterwards, be admitted to traverse
the same to a Long Jury of twenty-four men, to be
empannelled and sworn as formerly, giving Bond
to the Clerk of the Rolls, in the Penalty of three
Pounds, to the Lord's Use, to disprove such Ver-
dict by the Long Jury: and he shall be obliged to
prosecute the same with Effect, so as that the Long
Jury give in their Verdict within six Months from
the entering of the Traverse, or at the next Court
of General Gaol Delivery, after the Expiration of
the said six Months, upon Pain of Commitment,
until they agree and give in the same.

Thence
to the
House
of Keys

And either Party may also, within the like Statute
Number of Days, traverse the Verdict of the Long 1753
Jury to the House of Keys, giving in Bond as a-
foresaid. And this Traverse shall likewise be
prosecuted with Effect, at the next Meeting of
the Keys, to determine Common-Law Causes,
And then, if Occasion be, the said Keys, or a
Committee of them, not under six, to be nomi-
nated by the House, may, for their better Infor-
mation, take a View of the Place or Subject in
Dispute, and make Report thereof to the Rest,
after which View, (if necessary) hearing the
Parties, and considering the Matter, the Return
of the Keys to be delivered to the Governor :
and it shall be lawful for the Keys to return such
Great Inquest and Long Jury, or either of them,
that shall be found to have acted partially, wil-
fully, or erroneously, to the Mercy of the Court
for a Fine, not exceeding ten Shillings a-piece.
And if, through the Default of the Party, the
Long Jury's Verdict, or the Return of the Keys,
be not given in within the Time before limited,
the Cause shall be dismissed, and the Verdict
traversed, enforced : and the Party failing to be
at the Mercy of the Court for the Penalty of
his Bond, and pay all Charges by immediate
Execution from the Magistrate concerned.

Whereas from the Proceedings of the Great Statute
Inquest a Traverse lay to a Long Jury, and from 1777
them to the House of Keys, which Mode of Pro-
ceeding is found to be dilatory and vexatious.
It is therefore enacted, that the Great Inquest and
all Proceedings before them shall cease ; and
all Matters heretofore cognizable before the
Great Inquest and Long Juries shall be tried and
determined at Common Law.*

* As it has been in Contemplation to revive the Grand In-
quest, it is therefore thought proper to insert the Statutes re-
lating to them;

In what Cases and Manner the Great Inquest
was to make Presentments.

[*See Common Law Court.*]

G U A R D I A N.

THE Deemsters, with the Advice of the twenty-
four Keys, give for Law, that it is not lawful
for any Overseer to sell the Cottage or Farm
Ground for any longer Term than during his
Minority, that is to say, until he be fourteen
Years old, except in Case of Extremity, that is,
when there are no other Goods left to pay Debts
or bring up the same Children. And that all
other Friends refuse to bring them up. In this
Case it is lawful for the Overseer to set or sell at
his Pleasure, and not otherwise.

Ordi-
nance

1585

Not to
sell lands

[*See Marriage Act.*]

G U N.---[*See Arms.*]

H A R E.---[*See Shooting.*]

H A W K S.---[*See Game.*]

H E I R.---[*See Lands.*]

H E R O N.----[*See Game.*]

H E R R I N G S.

WHEREAS the Herring Fishery hath been for many Years uncertain, and yet several have bought up and transported fresh Herrings before the Country has been supplied, to the great Detri-
 ment of the Public : It is therefore enacted, that no Person shall be allowed to buy up any Herrings for Exportation, from this Isle, or the Coast thereof, until the Country be supplied : that is to say, as long as the Herrings may be bought at one Shilling and Two-pence the Hundred, or above ; and that the Fishermen have a Vent for the same, at that Price within the Island : and if any offend herein, they shall forfeit as follows :---viz. the Buyer to forfeit all such Herrings as shall be bought for Exportation, or the Value of them, and the Seller a Sum equivalent to the Price ; to be levied by Execution from the Waterbailiff, upon Proof made before him : one Half to the Informer, and the other Half to the Poor of the Parish.

Statute
1737Not to
be ex-
ported
till the
Island is
suppliedHERRING-CUSTOM.---[See *Castle-Maze*.]

H I G H - B A I L I F F.

WHEREAS it hath been judged expedient to erect a new Jurisdiction in each of the four Market Towns, for hearing and determining Matters of Debt under forty Shillings : It is therefore enacted, that it shall be lawful for the High-Bailiff of Castletown, for the Time being, to issue his Warrant for the convening of any Party, Witness, or other Person whom it may concern in Matters of Debt, arising within Castletown aforesaid, or the several Parishes of *Malew, Santan, Arbery, and Rusken*, in which Warrant the

Statute
1777Castle-
town dis-
trict

the Sum in Demand shall be specified, and shall not amount to Forty Shillings. And the said Statute 1777.

Jurisdic-
tion

High-Bailiff is authorised to hear and determine every such Cause at Castletown aforesaid, and to give Judgment therein, and grant Execution for such Debt and Costs in his Discretion, in such and the like Manner and Form, and with the like Authority and Jurisdiction as the Deemster now doth and hitherto hath done.

Douglas
District

And the High-Bailiff of *Douglas* is in like Manner authorised and impowered with respect to such Cause arising within the said Town, or the several Parishes of *Lonan, Conchan, Braddan,* and *Marown*.

Peel Dis-
trict

And the High-Bailiff of *Peel* is in like Manner authorised with regard to such Causes arising within the Town of *Peel*, or the several Parishes of *Patrick, German, Michael,* and *Ballaugh*.

Ramsey
District

And the High-Bailiff of *Ramsey* is in like Manner impowered with respect to such Causes within the said Town, or the several Parishes of *Jurby, Andreas, Bride, Lezayre,* and *Maugbold*; which said High-Bailiffs are to be appointed by the Governor for the Time being; and all Coroners, Lockmen, Petit Constables, and Others, whom it shall concern, are required to yield Obedience to the Directions, Orders, and Judgments of the said High-Bailiffs, in like Manner as they have hitherto given Obedience to the Directions, Orders, and Judgments of the Deemsters: But if any Party find himself agrieved by the Order of Judgment of a High-Bailiff; he may prefer his appeal therefrom to the Deemster, and the said High-Bailiff shall accept the same, provided it be preferred within seven Days from the Day of the Service of such Order or Judgment, which Service is to be certified by the Officer executing the same, and the Certificate exhibited to the High-

Ministe-
rial Offi-
cers to
obey
their Or-
ders and
Jndg-
ments

Appeal

High-Bailiff along with the Appeal: And that the Appellant do enter into a Bond with or without Sureties, at the Discretion of the High-Bailiff, in the Rolls Office, in the Sum of Three Pounds to our Lord the King, that he will prosecute such Appeal with Effect within the Term limited in the Acceptance thereof, which shall not exceed one Month: And shall also answer such Judgment, Costs, and Charges, as shall be awarded by the Deemster, in Case the Order or Judgment appealed from be affirmed: But if no Appeal be preferred, or if Bond be not entered into as aforesaid, then the said Judgment of the High-Bailiff to be for ever after final and conclusive upon all Parties. And if any High-Bailiff, upon the hearing of a Cause, find that the Plaintiff's Debt, exclusive of Costs and Fees, amounts to Forty Shillings, he shall dismiss such Suit for Want of Jurisdiction with Costs. And if any Party shall commence a Suit before the Deemster, for the Recovery of a Debt or other Demand under the Value of Forty Shillings, or without shewing good Cause why he apprehended that the same should amount to that Sum, it shall and may be lawful for the said Deemster to dismiss such Suit with Costs, as not cognizable by him. And it is further enacted, that no Party, Plaintiff, shall recover any Debt, or Demand, unless he shall serve the Defendant with an Account, or State of his Claim or Demand, three Days at least, before the hearing of the Cause by the said Deemster, or High-Bailiffs, or any of them; and that every civil Duty and Power heretofore vested in the Captains of the Towns aforesaid, shall be committed to the Jurisdiction, Orders, and Directions of the High-Bailiffs; and that in their respective Towns the said High-Bailiffs shall have full Power to make and give such Rules, Orders, and Directions, with Respect to the Repairing, Amending, and Compleating of the

Debt amounting
to Forty
Shillings

Under
Forty
Shillings

Account
to be
furnish-
ed 3 days
before
hearing

Power &
Duty of
Captains
of Towns
vested in
them

Streets.

the several Streets, and the Removal of En- Statute
 croachments, Nuisances, Filth, and Rubbish, 1777
 in the said Towns or Districts thereto belong-
 ing, in such Manner as in their Judgment shall
 be most conducive to the public Convenience :
 and that it shall be lawful for the said High-
 Bailiffs, in their respective Towns and Districts,
 to take the Acknowledgments of Parties, and
 Testimony of Witnesses, for the Probate of all
 Deeds and Instruments, in as ample a Manner
 as the Deemster hath hitherto practised, or shall
 be lawfully authorised to do ; and that the said
 High-Bailiffs, in the Execution of their Office,
 shall be considered and reputed as civil Magi-
 strates of this Isle to all Intents and Purposes
 whatsoever ; and that the said High-Bailiffs shall
 have concurrent Jurisdiction with each other, as
 Occasion may require.

[See Courts,--Streets,--Weights, and Measures.]

H I G H W A Y S.

Commit-tee to be appointed IT is enacted that the Governor, with the Coun- Statute
 cil and Keys, shall, from Time to Time, as 1776
 it shall become necessary, appoint a Committee,
 consisting of five Persons ; and if it shall appear
 to such Committee necessary, or commodious
 for the Public, to cut through the Lands of any
 Person, for the Purpose of making a new High-
 way, or of amending or improving any High-
 way, the said Committee, or a Majority of
 them, shall have full Power to survey and lay
 out the Ground for such Purposes, and to give
 such Orders and Instructions in Writing, for the
 laying out, making, and compleating such High-
 ways, as to them, or a Majority of them, shall
 appear necessary. Provided that the said High-
 ways be not cut through any House, Garden,
 Orchard, or Yard, severally adjoining, or near
 unto any Dwelling-House ; and that the Owner
 of

Land-Owner to be compensated of such Lands through which such new Highways shall be made, shall receive such reasonable Satisfaction for Damages, as the said Committee, or a Majority of them, shall award. And the said Committee, or a Majority of them, shall have full Power to give the old Highways to such Owner, or Owners of the Lands through which the new Highways shall be made, so far as the same adjoin their respective Properties, in Lieu of, or in Part Satisfaction for such new Highways, and the Damages aforesaid. And the said Committee, or a Majority of them, shall annually settle all Accounts and Sums of Money, to be levied, paid, and expended by Virtue of this Act : and the Governor shall, from Time to Time, by Writing under his Hand and Seal, appoint a Surveyor, or Surveyor General of the Highways, to act for and under the said Committee, with Power to view and survey the making of such Highways, to be laid out, amended, and completed by Virtue of this Act ; and also to give the necessary Directions to the several parochial Surveyors of the Highways, in the Execution of their Duty, and to procure and employ Workmen, Horses, Implements, Materials, and other Necessaries, for such Purposes as he or they shall find needful. And it is further enacted, that the Coroners shall, when thereunto required by a Surveyor General, return to him the Names of proper Persons to serve as parochial Surveyors within the respective Parishes, who are to be approved of, by a Surveyor General, as also by a Deemster, who is hereby ordered to swear such Parochial Surveyor into Office, after being so approved of ; And in Case any Person so returned and approved of, shall refuse to take upon him such Office, he shall, for every Offence, forfeit the Sum of One Pound ; and thereupon another Person shall be returned, approved, and sworn, in Manner aforesaid. And each

Statute
1776

Settle-
ment of
Accounts
yearly

Surveyor
General

His duty
& power

Parochial
Surveyor

Refusing
to serve

His duty & power each parochial Surveyor shall, within one Month Statute
 after being duly sworn into Office, duly survey 1776
 the State of the Highways and Bridges within
 his District : and in Case any of them be out of
 Repair, he shall report the same to a Surveyor-
 General. And when any of the said Highways
 are ordered to be altered or repaired, the paro-
 chial Surveyors shall summon the several Land-
 owners and Others compellable to perform their
 Parish-labour, in Manner herein after directed :
 and the said parochial Surveyors shall take due
 Care of, and be accountable for, all Utensils,
 Tools, and other Implements provided for the
 Parochial Use of the said Highways. And it is further
 labour enacted, that the Proprietor or Occupier of every
 Quarterland, or Baron Land computed to be
 equal to a Quarterland, shall, upon two Days
 previous Notice given by Summons, to such
 Proprietor or Occupier, send four Men, and so
 on in Proportion, to be employed in the Making,
 Altering, or Repairing of the said Highways.
 And all Proprietors or Occupiers of Dwelling-
 Houses, situate on Quarterlands or Baron-Lands,
 (so that the Premises do not pay more than one
 Fourth of the Chief-Rent of such Quarterland or
 Baron-Land,) shall send one Man. And all
 Proprietors of Dwelling-Houses, or on Cottages
 and Intacks not exceeding two Shillings original
 Chief Rent, shall send one Man. And every
 Proprietor of each and every Cottage or In-
 tack, from two Shillings to seven Shillings and
 Six pence original Chief Rent, whether such
 Cottage or Intack be dwelt upon or not, shall
 send one Man. And every Proprietor or Occu-
 pier of Intacks, from seven Shillings and Six-
 pence to fifteen Shillings Chief Rent, shall send
 two Men. And the Proprietors or Occupiers
 of each and every Intack, from fifteen Shillings
 to one Pound two Shillings and Sixpence origi-
 nal Chief Rent, shall send three Men. And
 every

Carts &
Wheel-
carsLabour
to be
done in
RotationRefusing
to per-
form the
same

every Proprietor or Occupier of Intacks, from one Pound two Shillings and Six-pence, to one Pound ten Shillings, (which original Chief Rent of one Pound ten Shillings is to be deemed equal to a Quarterland,) shall send four Men: and so on for Intacks of greater Rent, in the same Proportion. And when it is found necessary to employ Carts, or Wheel Cars, for the Use of the said Highways, every Person having in his Possession one or more Carts, or Wheel Cars, fit for carrying Stones, Gravel, or other necessary Materials, being so summoned as aforesaid, for that Purpose, shall send one such Cart, or Wheel Car, with an able or sufficient Horse, or Horses, and Driver, to and for the Use of the said Highways; and one Day's Labour with such Cart and two such able Horses and Driver, shall be deemed and taken for one Turn, or four Men. And one Day's Labour of a Cart or Wheel Car with one Horse and a Driver, shall be taken for two Men. And the parochial Surveyors shall give such Notice or Summons as aforesaid, in a regular Course; and such Labour done by the several Inhabitants of each Parish in Rotation, shall be deemed a Turn of such parochial Labour; which Labour is to be done in Rotation as aforesaid, as often as Occasion may require; so that the same does not exceed three Turns in any one Year. And in Case any Person so summoned as aforesaid, doth not perform the said Labour, the parochial Surveyor shall forthwith make Presentment of the Default, and cause the Party to be summoned before the Governor, or Deemster, and such Party shall, upon Conviction, be obliged to pay on Account of every Labourer failing to attend as aforesaid, one Shilling. And for every Default in not sending such Cart or Carts, Car or Cars, with Horses and Drivers as aforesaid, two Shillings and Six-pence, to be levied by Distress or Execution, with Costs. The parochial Surveyor

Surveyors may dig for gravel &c. veyor, and such Persons as he shall appoint, may dig, gather, take and carry away in and through the Lands of any Person adjacent, or near unto the laid Highways, any Stones, Gravel, Sand, or other Materials, where it may be most proper or convenient for the Use of the said Highways, (save and except Gardens, Orchards, and Yards, adjoining or near unto any Dwelling-House) so as the least Damage to the Proprietors be thereby occasioned; and also to make Ditches and Drains in and through the Lands adjoining the said Highways, for the carrying off the Waters lying thereon; which Ditches and Drains when made, are to be kept properly cleansed and open by the Proprietors of such Lands. Statute 1776

And make Ditches & Drains

Alehouse Licence-duty and Dog-tax to be expended on the Highways.

Presentment of Nuisances and obstructions

Offenders to be fined

And it is also enacted, that an additional Sum of nine Shillings and Nine-pence, be laid on Ale-house Licences, and that the same, and also the clear Monies arising from the Tax upon Dogs, shall be applied for the Making, Altering, and Repairing the said Highways, under the Directions herein before provided relative to the said Fund.

The Keys, or any of them, and the Surveyor General, or Parochial Surveyors, shall severally have full Power, upon View, to make Presentment of all Obstructions and other Nuisances, wilfully done to the Highways, or the Milestones thereon: And the Offenders therein shall, upon Conviction before the Governor or Deemster, be fined any Sum, not exceeding Three Pounds, according to the Circumstances of the Case, to be levied by Distress and Execution: and in Case any Person shall wilfully and obstinately obstruct the said Committee, Surveyors General, or parochial Surveyors, or any of them, or any Person by them employed for the Purposes of this Act, he shall, upon Conviction before the Governor or Deemster, be fined three Pounds, and committed

Fines how applied: till the same be paid: and the respective Fines herein before mentioned, shall be applied to the Use of the said Highways; which said Highways to be made in Pursuance of this Act, shall be eight Yards from Ditch to Ditch. Statute 1776

Breadth of Highways
Highway through Newtown
Privileges and Perquisites of Surveyors
Surveyor-general may discharge Parochial Surveyors

And it is enacted that the Highway from *Castletown* to *Douglas*, shall be continued through *Newtown*; and that the several Surveyors during their Office, be exempt from all other parochial Services, and shall for their Trouble have, at the Discretion of a Surveyor General, a Sum not exceeding one Shilling and Two-pence each Day, in the Discharge of his Duty, without the special Appointment of the Committee, who are authorized to make such reasonable Compensation to the Surveyors General, for their Trouble and Expence in the Discharge of their Duty, as to them shall seem fit: and it shall be lawful for the Surveyor or Surveyors General, as often as he or they shall think proper, to discharge any parochial Surveyor for Neglect of Duty, and to appoint another Person in his Place; so that such other Person be approved of and sworn, as herein before mentioned.

H I R I N G.---[See Servants.]

H O G S.---[See Streets.]

H O R S E S.

Stallion **ANY** Person keeping a Stone-Horse under the Value of six Shillings and Eight-pence, shall be presented by the Great Inquest. Tempo-
ral cus-
tomary
Laws
1577

Scabbed Horses If any Persons keep scabbed Horses or Mares, the Coroner ought to bring them to the next Hough,

Hough, and cast them down there, and the Owner to be put in three Shillings and Four-pence Fine, and presented by the Great Inquest, and the Coroner to have a Shilling for his Pains; and if he does not his Duty therein, to be fined thirteen Shillings and Four-pence.

Tempo-
ral cus-
tomary
Laws
1577

Pulling
Horses'
Tails

Whosoever shall be found or detected to pull Horses' Tails, shall be set on the wooden Horse, thereon to continue for the Space of two Hours, and to be whipped from the Waist upwards.

Statute
1629.

[See Beasts.]

H U N T I N G.---[See Game.]

H U S B A N D.---[See Baron and Feme.]

I M P R I S O N M E N T.

[See Arrest,---Court,---Felony.]

I N D I C T M E N T.---[See Felony.]

I N F A N T.---[See Children,---Guardian.]

I N F O R M E R.

[See Ale-house,---Game,---Herrings,---Licence,---
Weights and Measures.

I N H E R I T A N C E.---[See Lands.]

I N Q U E S T.

INQUEST.---[See Great Inquest.]

I N S O L V E N T.

Distri-
butionForeign
DebtSubsist-
ence in
Gaol

WHEREAS it has been the Practice to give Statute the Natives of the Island a Preference to 1777. Strangers in the Recovery of Debts from an Insolvent Debtor, It is hereby enacted, that all his Majesty's Subjects, and all others, whose Prince is in Amity with the Crown of *Great Britain*, shall have the same Rights and Privileges in the Payment of their just Demands, upon the Distribution of insolvent Debtors' Estates as the Natives of the Island have heretofore had, provided that the Governor, upon granting a Decree on a Claim against any of his Majesty's Subjects, or Others, in Amity with his Crown, residing in this Isle, for Debts contracted and due previous to such their Residence here may exclude the Whole of such Debt, or order and allow such Part or Proportion thereof to be paid in a proper Dividend and Share with the other Creditors, out of such insolvent Estate, as to him shall appear just and reasonable according to the Circumstances of the Case, provided that Landlords' Rents and Servants' Wages shall be always paid in preference, as heretofore accustomed. And any Person imprisoned for Debt under a Decree or Judgment; and it appearing to the Court, that such Person hath faithfully and justly accounted for all his Effects, upon Oath; and hath delivered up the same without Fraud or Collusion to satisfy such Decree or Judgment; in every such Case the Governor may order and allow such Person a daily Sum, not exceeding Six-pence each Day, to be advanced and paid by the Plaintiff, for Subsistence, during the Time such Person shall afterwards remain imprisoned. And in Default of the like Payments weekly, the Governor may lawfully order the said Person to be enlarged; provided

vided that the Sums paid for Subsistence as afore-
said, shall be a lawful charge against the Defendant
and his Effects, as well as the Sum or Part of the
Decree or Judgment remaining unsatisfied at all
Times afterwards, until the same be discharged.

Statute
1777.

INTACKS.---[See Lands.]

INTESTATE.

Distribu-
tion of
Intestates
Estate

Statute
1777

THE personal Estate of any Person dying intestate, after Payment of Debts and Funeral Expences, shall be distributed in manner following, that is to say, one Half of the Surplusage to the Wife of the Intestate: And the Residue by equal Portions amongst the Children of the Intestate, and such Persons as legally represent such Children in case any of the said Children be then dead, other than such Child or Children as shall have any Estate by Settlement of the Intestate, or shall be advanced by him, in his Life-time, by Portion or Portions equal to the Share which shall be by such Distribution allotted to the other Children to whom such Distribution is to be made: And in case there be any Child who shall have any Estate, or be advanced as aforesaid, by Portion not equal to the Share which will be due to the other Children by such Distribution, then so much of the said Surplusage is to be distributed to such Child as will make the Estate of all the said Children to be equal, as near as can be estimated: and in case there be no Children, nor any legal Representatives of them, then one Moiety of the said Estate to be allotted to the Wife as aforesaid, and the Residue to be distributed amongst the next of Kin of the Intestate, in equal Degree, and those that legally represent them, provided that no Representation be admitted among Collaterals, after

Hotch-
pot

Repre-
sentation

after Brothers' and Sisters' Children; and if there be no Widow, then the said personal Estate to be distributed equally among the Children; and in case there be no Child, then to the next of Kindred, in equal Degree, and their legal Representatives: And if there be neither Wife nor Child, the Whole of the said Estate to go to the Father; and in case there be no Father, then to be distributed equally to and amongst the Mother, Brothers, and Sisters, or their legal Representatives; and if there be neither Father, Mother, Brother, or Sister, then to the next of Kindred in equal Degree of or to the Intestate.

Statute
1777

J U D G E.---[See Court,---Officers.]

J U R Y.

Verdict

N O Restraint shall be laid or continued upon any Jury or Inquest longer than for six Hours after being agreed upon a Verdict, and such Verdict written, and by them signed and offered to the proper Magistrate.

Statute
1737

The Verdict of all Great-Inquests, Setting-Quests, and Slander-Juries shall be delivered and received in the Presence of both Parties, or their Agents or Attorneys, in public Court, as anciently accustomed, or by the proper Magistrate out of Court; but that to be likewise made known to, and done in the Presence of the Parties, their Agents or Attornies, who for that Purpose are to attend at such Court as well as before such Magistrates, where such Verdicts are to be taken, to make their Objections, if they have any, otherwise the same to be received, and the Proceeding to go on in his or their Default; and to prevent Corruption and Partiality in Juries and Inquests, It is enacted, that if any Juror or Inquest-man

take

Juror
taking a
bribe

Or ac-
cepting
a treat

take any Fee or Reward from any Person whatsoever, either in Money or otherwise, and be thereof lawfully convicted, he shall be prosecuted and punished as in the Case of Perjury: And if any Juror or Inquest-man be treated with Liquor, or otherwise, by either Party, in any Suit to be tried, or depending before them, without the Consent of the other Party, such Juror or Inquest-Man shall be fined six Shillings and Eight-pence upon Proof made against him before the Governor or Deemster, and be discharged from such Jury, and another Man sworn in his Place.

Statute
1737

[See Costs,---Court of Common Law,---Felony,
Fodder Jury,---Great Inquest,---Traverse.]

K E Y S.

To re-
solve
doubtful
points of
Law

IN all great Matters and high Points that are in Doubt, ever as they fall, the Lieutenant, or any of the Council for the Time being, to take the Deemsters to them, with the Advice of the Elders of the Land, to deem the Law truly to the Parties, as they will answer thereof: and that all doubtful Points be always registered up, and laid in the Treasury, that it may be ready when such a Chance falleth, that one Doom or Judgment be not given at one Time one Way, and another Time contrary.

Ordinance of
Deem-
sters and
Keys
1422

Not to
be kept
together
after
judgment
passed

Insulting
them.

The Keys of this Isle, shall at no Time be kept together after being agreed upon their Return or Judgment, and such Return or Judgment by them, or a Majority of them, written, signed and delivered to the Governor; and during the Time they are hearing Causes, none shall presume to insult or abuse them, upon pain of being confined by Order of the Governor upon Application by them made for that Purpose, until the Offender give in Bail for his good Behaviour, until the next Court of General Gaol Delivery, and be fined in any Sum, not exceed-

Statute
1737

exceeding six Shillings and Eight-pence, as the Statute
Case may demerit. 1737

[See Appeals,---Highways,---Lands.]

Slandering them.---[See Officers.]

LABOURER,

His Costs as a Witness.---[See Costs.]

When to begin and leave off Work.

[See Tradesman.]

LAND.

Course
of De-
scend

ALL Quarterlands, with the Mills, Cottages, and Iatacks of Ease thereunto belonging, to which any Tenant may be entitled by Descent from his Ancestors, shall descend and come after the Death of such Tenant to his eldest Son : And for Want thereof, to his eldest Daughter : and in Default of such, to the next of Kindred. Statute 1645

LAND OVERFLOWED with WATER.

Commis-
sioners to
be ap-
pointed.

Their
Power.

COMMISSIONERS shall, from Time to Time, as Occasion may require, be appointed by the Governor, Council, and Keys, at a Tynwald Court, consisting of five skilful and proper Persons, with full Power to act as herein after mentioned : And if any Person having Grounds overflowed with Water, shall make Application to the Governor ; upon hearing the Parties and good Cause shewn, he may order the said Commissioners, at the Expence of the Party so applying, to view the Premises ; and they, or a Majority of them, shall, by Order in Writing, direct from Statute 1776

from a proper Level, a sufficient and effectual Channel, Drain, or Outlet, according to the Nature and Situation of the Ground, to be made, for the effectually draining such Fens, and carrying off the stagnated Waters. And after the Commissioners have made their Order, the Party so applying shall duly serve the Persons through whole Grounds the said Channel is directed to be made, or who may be affected thereby, with a true Copy of the said Order. And in Case any such Persons shall find themselves aggrieved thereby, they shall be at Liberty to bring their Complaint against the same to the Governor, within eight Days after such Service; who shall thereupon, judicially and finally hear and determine the Merits of the said Complaint and Order. And in Case no such Complaint be preferred within the Time aforesaid, the Governor, upon Certificate of such Notice being given as aforesaid, shall direct the said Order of the Commissioners to be carried into Execution: and the Proprietors of the Lands through which such Channel is directed to pass, shall, at their own Costs and Charges, make such Channel in such Manner as directed by the said Order.

Com-
plaint a-
gainst or-
der of
the com-
mission-
ers

Channel
to be
made by
the land
owners

Refusing
to com-
ply with
the order

Obstruct-
ing the
Commis-
sioners,
&c.

And in case any Person neglect or refuse to comply with the said Order, the Commissioners shall, by Writing under their Hands, appoint a proper Overseer, effectually to carry on and complete the said Channel, through the Lands of such Person so refusing or neglecting; which Overseer, upon producing his Account of the Expences of the Work, upon Oath, before the Governor, shall have Judgment and Execution granted against such Person or Persons, for the full Amount thereof, with an Allowance of one Shilling and Six-pence per Day, for overseeing the said Work: And in case any Person shall wilfully obstruct the said Commissioners and Overseers, or other Persons by them employed in

the Discharge of their Duty, under this Act; the Governor shall, upon Certificate made thereof, by the said Commissioners or Overseers, order the Offender to be committed to Prison, until he give in good and sufficient Security to offer no further Obstruction: And the Work to proceed in the mean Time, as if no Obstruction had been given.

Statute
1776

LANDLORD.---[See Rents.]

LAPSE.---[See Church.]

LARCENY.---[See Felony.]

LEASE.---[See Guardian.]

LEGACIES.

When to be paid LEGACIES are to be paid within ten or fourteen Days after the Probate of the Will.

Spiritual
Customary
Laws

LICENCE.

Carrying Persons off the Island without a Licence or Pass
 IT is enacted, That the ancient Laws, with Respect to forfeiting Vessels and Goods, for carrying Persons off the Island without a Licence, be repealed; and that any Ship, Vessel, or Boat, which shall carry any Person or Persons off the Island, without the Governor's Licence, shall forfeit any Sum, not exceeding ten Pounds, to the Lord; to which Forfeiture the Master of the Vessel shall be liable in the first Instance, over and besides paying the Debts which such Persons did owe

Statute
1737.

owe

owe in the Island, at the Time of their Departure, as mentioned with Respect to assisting Debtors to escape off the Island (*See Debtor*). But if the Master be absent or insolvent, the Vessel to be then subject to the said Fine and Debts in Manner aforesaid; but not to be so liable longer than for the Term of two Years, unless she continues to be the real Property of the same Owner.

Statute
1737

ALEHOUSE-LICENCE.

[*See Alehouse.*]

MARRIAGE LICENCE.

[*See Marriage Act.*]

LICENCE TO KILL GAME.

[*See Game.*]

LIMITATION OF SUITS.

[*See Actions,--- Administrators,--- Claims.*]

LOCKMAN.---[*See Coroner.*]

LORD.

Boundaries thereof by whom to be repaired

LORD'S CLOSES. All Persons whose Tenements or Grounds soever, about or adjoining the Lord's Pastures or Closes, shall make the Ditch and Ditches of the said Closes, so far as their Grounds extend, at their own proper Costs and Charges, and shall keep the same in sufficient Repair, both Winter and Summer, on Pain to forfeit, for every Time the Keeper of such Closes shall

Ordinance of Governor and Council.
1583.

make

make true Presentment of the Default in any Court by his solemn Oath, three Shillings and Fourpence to the Lord.

LORD'S RENTS.

[See Act of Settlement,---Action Personal.]

LORD'S RENT payable in Preference.

[See Rents.]

L O U G H S.

[See Lands overflowed with Water.]

LOUGH MOLLO W.]

[See Act of Settlement.]

M A G I S T R A T E.---[See Court.]

M A I N O U R.---[See Felony.]

M A R K E T.

NO Market to be kept on the Sabbath-day, on Pain of Fine and Imprisonment.

Ordinance
of the

All the Inhabitants of *Kirk Christ Rusben, Ar-Governor bory, Malew, Santan, Marown, Patrick, German, & Council Ballaugh, and Michael*, shall keep the ordinary Market-days appointed within those Limits, and

1594

Districts bring thither all such Victuals, Corn, Wares, and Merchandize, which they have to spare or sell, on Pain of Imprisonment and Fine to the Lord; and if they cannot sell there, then to be at Liberty to take them elsewhere.

And

Corn And none shall sell any Corn to the Strangers, 1594
but first they shall tender the same, or a sufficient
Part thereof to the Market, that the Country may
be first served.

Sunday As often as the Feast of St. John the Baptist Ordinance of
falls upon the Sabbath-day the Tynwald and Governor
the Fair shall then be kept on the following Council,
Day: And in like Manner all other Fairs and Keys
Markets shall be transferred to Monday, as often 1610
as the Fair-days fall out upon the Lord's Day.

Engrossing, &c. No Person shall, by Himself, his Agents, or Statute
Servants, by way of engrossing or forestalling, 1637
or regrating, buy any Corn or Grain, or other
Merchandize or Provisions to sell the same again
on pain to forfeit the Goods, so bought, or the
Value thereof, to the Lord.

**Fore-
staller** And if any Persons, by themselves or their Ser-
vants, or Agents ingross, or buy out of Market,
any Corn or other Goods, and sell the same a-
gain, they shall forfeit such Goods, or the Value
of them to the Lord: And it is declared, that any
Person who shall buy, or cause to be bought,
any Merchandize or other Thing, coming by
Land or Water, to any Fair or Market, to be
fold therein; or coming towards any Town,
Village, Port, Haven, Creek, or Road, of this
Island, from beyond Sea, to be sold; or make
any Bargain, for the buying thereof, before the
same shall be in such Market, Fair, Town,
&c. ready to be sold, or shall make any Mo-
tion, by Message, or otherwise, to any Person
for changing the Price, or dear Selling of any
of the Things aforesaid, or move or stir any
Person, coming to the Market or Fair, to for-
bear to bring any of the Things aforesaid, to
any Fair or Market, Town, Port, Haven, or
Creek, to be sold, shall be judged a foretaller.

Who-

Engrosser Whoever shall engross, or get into his Hands, Statute
1691
by buying, Contract, or Promise, (other than by
Demise, Grant, or Lease of Land, or Tithe) any
Corn growing in the Fields, or any other Corn
or Grain, Butter, Cheese, Fish, or other dead
Victuals, within the said Isle, to the Intent to
sell the same again, shall be deemed an Ingros-
ser.

**Unmar-
ketable
Provision** It is enacted, that in Case any Person shall Statute
1673
bring to Market, Veal, before it has come to the
Age of three Weeks, at the least, and be fit and
wholesome to eat, the Constable and Clerk of
the Market shall seize upon such Victuals; To
wit, Veal under three Weeks old, and also such
Lambs, Kids, and Pigs, as shall appear unmar-
ketable, in Respect of their Leanness and Ten-
derness of Age, and distribute the same to the
Poor of the Town, or otherwise to burn the Flesh
in some convenient Place, and the Owner not to
have any Recompence: and if the Owner give
any Opposition thereto, such Constable and
Clerk of the Market to make Presentment against
him, and he shall be fined and punished at the
Court's Discretion.

M A R R I A G E.

NONE to be married until they have received Statute
1704
the Communion of the Lord's Supper, unless
being an Orphan, there be Occasion for his
speedy Marriage; and this to be approved and
dispensed with by the Ordinary, for a limited
Time, to fit himself for the Sacrament: and
where any of them are of another Parish, they are
to bring a Certificate from their proper Pastor.

MARRIAGE

MARRIAGE ACT.

Banns to
be pub-
lished

ALL Banns of Matrimony shall be published Statute
1757
in an audible Manner, in the Parish-Church

to which the Persons to be married belong, according to the Form of Words prescribed by the Rubrick, in the Book of Common-prayer, upon three several Sundays, during the Time of Morning Service, or of Evening Service, if there be no Morning Service in such Church, upon any of those Sundays, immediately after the second Lesson; and if the Parties live in different Parishes, the Banns shall be so published in the Parish Church to which each of them belongs; and the Rules prescribed by the said Rubrick, for the publishing of Banns and solemnization of Matrimony, and not hereby altered shall be observed: and that the Marriage shall be solemnized in one of the Parish Churches where the Banns have been published, and in no other place. But no Minister shall be obliged to publish the Banns of Matrimony unless the Persons to be married shall, seven Days at least before the Time required for the first Publication, deliver, or cause to be delivered to such Minister, a Notice, in Writing, of their true Christian and Surnames, and of the House and Houses of their respective Abodes, and of the Time they have dwelt therein. And no such Banns shall be published in any Church of this Isle, if either of the Parties be Aliens, or Strangers, who shall resort, or come to this Isle, unless such Stranger shall have resided here, at least three Months, and one Month in such Parish before such Publication. And no Minister solemnizing Marriage between Persons, both or one of whom shall be under the Age of twenty-one Years, after Banns published, without Consent of Parents or Guardians, shall be liable to Punishment, unless he have Notice of the Dissent of such Parents or Guardians: and in Case they, or one of them, shall publicly de-

Strangers

Minors

clare, or cause to be declared in the Church, at the Time of the Publication of Banns, his, her, or their Dissent, such Publication of Banns shall be absolutely void. Statute
1757

Marriage
Licence

Offend-
ing a-
gainst
this Act

And no Licence of Marriage shall be granted by the Bishop, Vicar-General, or other Person, to solemnize any Marriage in any other Church or Chapel, than in the Parish-Church belonging to the Parish in which the usual Place of Abode of one of the Parties hath been for three Months before the granting of such Licence, and in no other Place whatever: Provided that this Act shall not deprive the Bishop of the Right of granting special Licences, to marry at any convenient Time and Place, so that such Licence be under his own proper Hand and Seal Episcopal; and that Licences of Marriage shall not be valid unless the same be under the Hand and Seal of the Person authorized to grant the same; and that no such Licences shall be granted to any Person but according to the Canons of 1703, relating to Marriages. And if any Person do solemnize Matrimony in any other Place than as aforesaid, or without publication of Banns, or Licence as aforesaid; every Person wilfully offending therein, and being lawfully convicted thereof, or persons holding or exercising any ministerial Function in the Church of this Isle, shall be deemed guilty of Felony, and transported to some of his Majesty's Plantations in America, for fourteen years: And if such Offender be an Alien, or Stranger, and not of the Ministry of this Isle, and convicted as aforesaid, his Ears shall be nailed to a Pillory, at Castletown Cross, upon the next Court of General Gaol-delivery, at twelve o'Clock at Noon, and there to remain for one Hour, when his Ears are to be cut off, and remain on the said Pillory, and the Offender to be returned to Prison in Castle-Rushen, there to remain till the Governor thinks proper to release him,

Void
marria-
ges

Evidence
of a law-
ful Mar-
riage

Consent
of Parents
or Guar-
dians

him, on paying a fine, not exceeding fifty Pounds, Statute
and abjuring this Isle. And all Marriages solemnized in any other place than a Church, unless by 1757.
Special Licence as aforesaid, or that shall be so-
lemnized without Publication of Banns, or Li-
cense from some Person having Authority to
grant the same, shall be null and void, to all In-
tents and Purposes whatsoever, provided that all
Prosecutions for the said Felony shall be com-
menced within three Years after the Offence
committed, the Offender residing or continuing
in this Isle, during that Period: And that it shall
not be necessary, in Support of Marriages solemn-
ized as aforesaid, to give any Proof of the actual
Dwelling of the Parties, in such Parish where
the Banns were published: And if the Marriage
is by Licence, it shall not be necessary to give
any Proof, that the usual Place of Abode of one
of the Parties, for the Space of three Months, as
aforesaid, was in the Parish where such Marriage
was solemnized, nor shall any Evidence be taken
in either of the said Cases, or be received to prove
the Contrary in any Suit, touching the Validity
of such Marriage.

And all Marriages by Licence, where either
of the Parties not being a Widow or Widower,
shall be under the Age of twenty-one Years,
which shall be had without the Consent of the
Father of such Party under Age, if living, or
the Guardian or Guardians of such Party, lawfully
appointed, or one of them: And in case there be
no such Guardian, then of the Mother, if living
and unmarried, or if there be no Mother living
and unmarried, then of the Guardian or Guar-
dians of the Person shall be absolutely null and
void, to all Intents and Purposes whatsoever:
And if the Guardian or Mother be not of sound
Mind, or beyond Seas, or by unreasonable or
undue Motives be induced to abuse the Trust
aforesaid, by refusing Consent to a proper Mar-
riages,

riage, any Person so desirous of marrying, in any Statute
1757
 of the before-mentioned Cases, may apply by Peti-
 tion to the Governor, who is impowered to pro-
 ceed upon such Petition, in a summary Way; and
 in case the Marriage proposed, shall, upon Exa-
 mination, appear to be proper, the Governor shall
 judicially declare the same to be so, by Order of
 Court, which shall be as effectual, as the Consent
 of the Mother or Guardian. The Churchwardens
 from Time to Time, as there shall be Occasion,
 shall provide proper Books in each Parish, in
 which all Marriages, and Banns of Marriage
 there published and solemnized shall be register-
 ed; and every Page thereof truly numbered, be-
 ginning at the second Leaf; and every Page so
 numbered, shall be ruled with Lines, at proper
 and equal Distances. And all Banns and Mar-
 riages, published and solemnized in any Parish-
 Church within this Isle, shall be written upon such
 Lines, and signed by the Minister, or some Person
 in his Presence, and by his Direction: And such
 Entries shall be made in successive Order; and
 all such Books shall belong to such Parish respec-
 tively, and shall be carefully preserved for public
 Use. And all Marriages shall be solemnized in
 the Presence of two or more credible Witnesses,
 besides the Minister; and immediately after the
 Celebration of every Marriage, an Entry thereof
 shall be made in such Registry, in which it shall
 be expressed, that the Marriage was celebrated
 by Banns or Licence; and (if both or either of
 the Parties married by Licence be under Age)
 with Consent of Parents or Guardians, as the Case
 may be, and shall be signed by the Minister,
 with his proper Addition, and also by the Par-
 ties married, and attested by such two Witnesses,
 with their proper Additions; and shall be in the
 Form or to the Effect following:

A. B.

Statute
1757

A. B. of { *the* } Parish,
 { *this* }

And C. D. of { the } Parish,
 { this }

Were married in this { Church, }
 { Chapel, }

By { Banns, } with Consent
{ Licence, }

Of { Parents, } this Day
 { Guardians, }

of in the Year

By me, { Rector,
Vicar,
Curate.

*This Marriage was solemnized between us, A. B.
and C. D. in the Presence of E. F. and G. H.*

Forging
or de-
stroying
Register

And if any Person shall, with an Intent to elude the Force of this Act, knowingly or wilfully insert, or cause to be inserted in such Register-book, any false Entry of any Matter or Thing, relating to any Marriage, or falsely make, alter, forge, or counterfeit, any such Registry, or assist therein, or utter, or publish as true, any such false, altered, forged, or counterfeited Registry, or Licence as aforesaid, or any Copy thereof, knowing the same to be so; or shall wilfully destroy, or cause to be destroyed, any such Register-Book, or any Part thereof, with an Intent to avoid a Marriage, or to subject any Person to any of the Penalties of this Act; every Person so offending, and being thereof lawfully convicted, shall be deemed and adjudged guilty of Felony, and suffer Death.

Suirogate
to be
fworn

No Vicar-General or Surrogate, deputed by the Bishop to grant Licences of Marriage as aforesaid, shall grant any such Licence before he hath

hath taken an Oath before the Bishop, faithfully Statute 1757.
 to execute the same, according to Law, to the
 And give best of his Knowledge, and hath given Security
 Security by his Bond, in the Sum of one hundred Pounds,
 to the said Bishop, for the due Execution there-
 of : and for such Licence and all other the ne-
 cessary Writings required by this Act, in and a-
 bout the same, such Vicar General or Surrogate,
 Fee for shall and may lawfully demand and receive one
 Licence British Crown.

M A S T E R a n d S E R V A N T.

Servants **ALL** Servants who do not give lawful Wain- Statute 1665.
 to give ing to their Masters or Mistresses, To wit,
 Warning Men-Servants on Michaelmas-Day, and Wo-
 men-Servants on Lady-Day, and yet hire to ano-
 ther Master or Mistress, such Hiring shall not be
 effectual in Law, in Case the former Master or
 Mistress prosecute to retain the Servant for the
 same Year.

Hiring **And** whereas Complaints are made of Servants
 twice hiring with two several Masters or Mistresses ;
 It is therefore Enacted, that the Master or Mist-
 ress first hiring lawfully, shall have the Service
 of that Year ; and the Master or Mistress hiring
 secondly, to have the Wages of such Servant for
 the same Year ; which the said Master is to pay
 quarterly to the other, or at any other Time that
 the same shall be demanded from him : But if
 it be discovered and proved that the Person
 making the second Hiring, knew of the first
 Hiring, and yet made use of Means to persuade
 and inveigle the Servant to a second Hiring ; or
 if there be but strong Presumption by Circum-
 stances of the like fraudulent Usage, the Servant
 shall get all his Wages. But if the Proof be on-
 ly circumstantial, and the Blame partly appear
 in the Servant as well as the Master, who ought
 to

to inquire and be satisfied with the Servant's Statute
Condition before he hires him; in such Case the 1665
Wages to be proportioned and allowed as the
Governor and Deemsters, or either of them, shall
think fit to order.

Hiring
oftener
than
twice

And if any Servant hire oftener than twice in
the Year as aforesaid, such Servant shall suffer ex-
emplary Punishment, by being whipped at the Pa-
rish-Church where he or she lived, on some Sab-
bath-day, or in some Market-place, at the Whip-
ping-stocks; or otherwise (the Servant's Condition
and Age considered) to be imprisoned at the Dis-
cretion of the Governor and Deemsters, and to
have but one Cake of Bread, and a Portion of
Water each Day, during such Imprisonment, and
afterwards to do Service to the Master who first
lawfully hired him, and the Wages to be distri-
buted at the Discretion of the Governor or Deem-
sters, or either of them. Provided if any falla-
cious Dealing be discovered against the second
or third Master, either by Proof or circumstan-
tially, as mentioned before, then the same to be
considered before the Servant suffer Punishment,
and the Wages to be distributed according to
Discretion aforesaid.

Servant
refracto-
ry

Servants who are wilful and refractory to their
lawful Masters, shall be punished by Imprison-
ment, as the Governor and Deemsters shall ap-
point; until the said Servants do yield Obedience
and perform their Service; and to have such Al-
lowance of Bread and Water as aforesaid, which
is to be deducted out of their Wages by the Mas-
ter, who is to provide the same daily unto them.
And the Master to have an Allowance out of their
Wages during the Time of their Imprisonment,
to give another in his or her Place, at the Discre-
tion of the Deemsters.

Time of
hiring

Men-Servants hiring between All-hallow-tide
and Michaelmas; and Women-Servants hiring
between

Time &
manner
of giving
warning

Hiring
before
Warning
day, void

Com-
plaints
of Ser-
vants

between Lady-day and May-day, such Hiring shall be as lawful as the Hiring made formerly upon either of those Days, provided they have given lawful Warning on the usual Days before-mentioned; but that the Earnest given on either of those Days shall be reputed invalid to the Hiring lawfully made between either of those Festivals; and the Warning given between sun-rise and sun-set, on the proper Days, shall be lawful. And in Case the Master or Mistress happen to be from Home on the said Days, or absent themselves, to the End of taking Advantage of the Servant, by not being present to hear the Warning given: or in Case they be in any Part of the House where the Servant may not presume to go; in such Cases the Servant to take a competent Witness with him, and repair to the Place where the Master and Mistress usually did sit, at the Hearth, or at Meat. And in Case the Door be made against the Servant, then the Servant and Witness to come to the Door where the Master or Mistress usually did enter into the Fire-house, and in any of those Places give the usual Warning, which shall be lawful Warning: so if the Servant be sick, or incapacitated to give Warning in Manner aforesaid, he may do the same by Proxy, with a sufficient Witness with him: and no Hiring made before the Warning-day shall be authentic against the Hiring lawfully made in Manner herein before mentioned; but the same to be made null and of no Effect upon Complaint and Difference arising touching the Hire so made as aforesaid.

And as for the frequent Complaints of Servants made by Jurors, to know what Diet and Usage they ought to have, It is declared that such Complaints shall be viewed and certified at the Sight of four honest Neighbours, who are to be charged to that End, by the Coroner and Lockman, and they to approve or disapprove of such

such Diet and Usage as near as may be to the Custom of the Country, or in that Parish or particular House complained of. And in Case the same be not observed afterwards, but the Servant is further occasioned to complain; in that Case the Master to give in sufficient Security for the Performace thereof, the remaining Part of the Year. Statute
1665.

Absent-
ing from
their Ser-
vice.

Whereas it is complained that the Servants assume the Liberty of absenting themselves frequently from their Service, on Sundays and Holidays, without Leave, It is therefore enacted, that if any Servants do offend in like Nature hereafter, upon any Pretence whatever, without Leave of their Master or Mistress, it shall be lawful for the Master or Mistress to deduct and detain two-pence for every Time so offending; and if nevertheless such Servants make a constant Practice of it, then upon Complaint of the Master or Mistress, such Servants to be imprisoned, with the Allowance of Diet mentioned in the late Act, with Respect to refractory Servants, and so to continue until they engage to become obedient and careful, according to the Trust reposed in them; and nevertheless the Master or Mistress to deduct and detain (if they please) Two-pence for every Sunday or Holiday absenting as aforesaid, and so much out of their Wages besides, as shall satisfy any Person taken to perform the Work of such Servant, during the Time of their Confinement. Statute
1667

SERVANTS and CHILDREN to attend DIVINE SERVICE.---[See Children.]

ENTICING SERVANTS and CHILDREN.

[See Children.]

M E A S U R E S.

[See Weights and Measures.]

M E R E S.---*[See Boundaries.]*

M I L L S.---*[See Intacks.]*

M O A R.

Office
Silver

IT is Use and Custom of long Time, that the Moars pay two Marks of Office-Silver, yearly, to the Lord.

HIS PORTION OF FELON'S GOODS.

[See Felon.]

**NOT DOING HIS DUTY, TO BE PRESENTED BY THE
GRAND-INQUEST.**

[See Court of Common Law.]

M O R T G A G E.

LORD'S RENT TO BE SETTLED THEREON.

[See Lord's Rent.]

**WHAT IS TO BE DEEMED A MORTGAGE, AND
WHEN TO BE RECORDED, &c. &c.**

[See Act of Settlement, and Act explanatory thereof.]

**DISPUTES CONCERNING MORTGAGES COGNIZABLE
IN CHANCERY.**

[See Action Real,---Act of Settlement.]

MORTUARY

M O R T U A R Y.

Where to be rendered IF any do remove from one Parish to another, ^{Book of} and if the Cock crow thrice, they remaining ^{spiritual} there three Nights and three Days after remov- ^{customary} ing, that then the Person departed shall pay all ^{Laws} spiritual Duties to that same Church, within the same Parish he hath removed unto.

The Amount thereof It is ordered, that no Corps-present shall ^{Statute} hereafter be taken by the Clergy or Proctors, of ^{1643.} spiritual Livings of any Deceased's Goods, under the Value of 6l. 13s. 4d. and of that Value, and under the Value of 20l. they shall take but 20d. for the Corps-present: And if the Goods be of the Value of 40l. they shall take for the Corpse-present but 3s. 4d. And out of Goods of the Value of 40l. or above, they shall take 6s. 8d. and no more, be the Goods of what Value they may: And that none shall pay a Corps-present, but such as at the Time of his or her Death, were House-keepers and Masters of Families: And that no Infant, or Child under the Age of fourteen Years, and no Woman under Covert Baron, shall pay any Corps-present. And if any Clergyman or Proctor shall take more for a Corps present, or otherwise, than as aforesaid, he shall forfeit so much in Value, as he shall take above the Sum before limited, and also 6s. 8d. to the Party grieved, to be recovered by Action of Debt, at the Common-Law. But it shall be lawful for any spiritual Person to take any Sum, or other Thing, which by any Person dying, shall be given or bequeathed unto him.

M U R D E R.

[See Breach of the Peace,---Felony.]

M U S T E R.

Absent-
ing

WHOEVER absents from Muster, shall be punished by Fine and Imprisonment, unless he be hindered by Sicknels, or other lawful Excuse.

[See Arms.]

Ordi-
nance of
Deemf-
ters and
Keys
1594

N A T I V E

[See Arrest,---Debtor Insolvent.]

N E X T O F K I N.

[See Children,---Intestate.]

N O N - R E S I D E N C E.

Clergy &
Officers
to reside
in the
Island

EVERY Bishop, Archdeacon, Parish Vicar, Statute
Curate, or other Person, who hold and enjoy 1697
the Bishoprick, Archdeaconry, or any Parsonage,
Vicarage, or Curacy, or such like ecclesiastical
Promotion, to the Value of 10l. per annum, or
upwards; also, any temporal Officer, Soldier,
or other Person, having and enjoying any Of-
fice, Place, or other Employment, from and un-
der the Lord of this Isle, to the Value of 3l. per
Annum, or upwards, shall hereafter inhabit, and
personally reside within this Isle, in and upon
their respective Livings, Promotions, Benefices,
Offices, Places, or other Employments; and if
they, or any of them, shall, at any Time be
Non-Resident, or not inhabit within this Isle,
in or upon their said respective Promotions, Be-
nefices, Offices, Places, or other Employments,
but shall be found wilfully to absent him or
themselves, from his or their Duties in the same,
(Wind, Weather, Health, and convenient Ship-
ping permitting) above the Space of four
Months, to be accounted at several Times, in
any

any one Year, commencing always upon the first of May, in every Year: Such Person or Persons so offending, shall, for the first Offence, forfeit and lose the full Value, of one half Year's

Statute
1697

Penalty

Profit, Benefit, and Advantage, of his or their said Livings, Promotions, Benefices, Offices, Places, or other Employments, to be collected, levied, and disposed of, in manner herein after-mentioned; and if any Person or Persons before-mentioned, be found to offend in like Nature, at any Time afterwards, he or they so offending, shall, for every such second Offence, and for every other Offence of that Nature, which he or they shall commit afterwards, forfeit and lose the full Value of one whole Year's Profit, Benefit, and Advantage, of his or their said Livings, Promotions, Benefices, Offices, Places, or other Employments aforesaid, and be declared and made incapable of receiving any further Benefit or Advantage thereupon, until such Time as he or they so offending, shall return to his or their said respective Duties, as aforesaid. And it is further enacted, that all such Forfeitures are, from Time to Time, as the same shall accrue, or happen to be taken or collected, by Order of the Governor, Deputy-Governor, and the Lord's Council, for the Time being, directed to the Coroner or Coroners of the Shreading or Shreadings, where such Forfeitures shall happen or accrue. And the same, when so levied, collected, and received, as aforesaid, to be applied and disposed of, for such pious, charitable, and public Uses, within this Isle, as the said Governor, Deputy-Governor, and Council, shall have Directions from the Lord of this Isle, for, or concerning the same.

NONSUITS.

N O N S U I T.

[See Action Personal, --- Court of Common-Law.]

N O T E.

[See Specialty.]

N U N C U P A T I V E.

[See Will.]

N U I S A N C E.

[See High-Bailiff.]

O A T H.

Oath ex
Officio

IT shall not be lawful for the Ecclesiastical Courts to tender, or administer unto any Person, the Oath commonly called the Oath *ex Officio*, or any other Oath whereby such Person may be charged or compelled to confess or accuse, or to purge himself of any criminal Matter, whereby he may be liable to any Censure or Punishment: Provided that this shall not hinder the said Courts from giving any Oath to any Person who shall come voluntarily, to clear his Reputation with lawful Compurgators as accustomed.

Statute
1737

**OATH OF THE PARTY NOT ADMITTED TO DIS-
CHARGE A SPECIALTY.**

[See Specialty.]

OFFICERS.

O F F I C E R S.

Slander-
ing
them

WHOSOEVER shall speak or accuse any scandalous Speeches against any chief Officer of the Island, spiritual or temporal, or any of the Twenty-four Keys, touching their Oaths, or the State and Government, or any other scandalous Speeches which might tend to the Defamation of their Offices and Places, and be not able to prove it, shall be fined for every time so offending, in ten Pounds, and their Ears to be cut off for Punishment besides.

Statute
1601

[See Courts,---Non-residence.]

PETIT OFFICERS neglecting their Duty, presentable by the GREAT-INQUEST.

(See Court of Common-Law.)

O U T L A W R Y.

Form of
Outlawry

IF any Person be indicted of Felony, he shall be proclaimed and cried throughout the six Sheadings, and at the Tynwald; and the south Court to be called by the Moar of Glanfaba: And if any such Persons so called, answer not, then upon the Record of the six Moars then present, having with them two Witnesses, that they were called in the six Sheadings, and appeared not, thereby upon Proclamation to be outlawed, and shall not be inlawed without the Lord's special Grace and Pardon. And if any Man be foreigned in the Lord's Court, or any of the Baron's Courts, for Death, or otherwise to forswear the Land, he shall never come into the Land again, without the Lord's special Grace and Pardon: And whoever relieves or receives any Person after that he is outlawed and foreigned, as it is recited, forfeiteth Body and Goods to the Lord's Pleasure: and if the Bishop or Abbot, or any other Baron, receive

Ordi-
nance of
the
Deemf-
ters and
Keys
1422Abjuring
the IslandReceiv-
ing an
Outlaw

an

Outlaw, without the Lord's special Grace and Pardon, he forfeiteth his Temporality to the Lord.

Receiving OUTLAWS presentable by the GREAT INQUEST.

(See Court of Common-Law)

P A R D O N.

[See Outlawry.]

P A R E N T S.

[See Children.]

P A R I S H C L E R K.

How to **EVERY** Parish hath the Liberty to chuse their ^{Spiritual} own Clerk; but the Ordinary must accept, ^{Customary Laws} authorize, and allow of him, to be sufficient and able for that Office; and in every Time of Visitation and other Business, the Parish to send for the Clerk, and the Clerk to go to the Priest, and wait on him.

His Dues The Clerk's standing Wages is a Groat out of ^{Ibid.} every Plough, if the Plough plows but three Furrows within the Year; and from those that have no Ploughs, but keep smoak, a Penny, annually.

The Clerk shall have for every One that departeth this Life, able to pay a whole Corpse-presentation, one Shilling and Nine-pence, or else his Appanel, as was used in old Times. And for a Woman, one Shilling and Five-pence, or else such Duties as were used in old Time. And for the Poor, all Debts being paid, to be reasonably agreed withal.

The

The Clerk's Silver, on the South-side, is Ele-
 ven-pence, and the Head-penny; of the which
 Twelve-pence, the Curate hath Seven-pence, the
 Parish-Clerk Three-pence, and the Parson's Clerk
 Two-pence; and upon the North-side Fifteen-
 pence. And in Case a poor Person depart, and
 there is not wherewithal to pay the Clerk's Sil-
 ver, then the Clerk shall have no Duty, but
 the Duty to be sold to pay the Head-penny and
 Clerk's Silver. And if any Thing want, the next
 of Kin to make it good, because if the Party were
 wealthy, and made no Will, they should be his
 Executors.

Spiritual
 Custo-
 mary
 Laws

Whereas it is a Complaint, that the Lord of
 the Island makes Clerks of the Parishes by his
 Special Grants, whereas the Parishioners pay the
 Clerk his Dues, his Lordship is graciously pleas-
 ed that the Parishioners, and Parson or Vicar of
 the Parish shall have the Nomination of the
 Clerk, and the Bishop to have the Allowance or
 Approbation of him for his Sufficiency, and Abi-
 lity to perform the Place.

Statute
 1643

P A R I S H.---(See Church.)

P A R T R I D G E.

SHOOTING PARTRIDGE.---(See Shooting.)

P A S S.---(See Licence.)

P A V E M E N T.---(See Street.)

P A W N.---(See Execution.)

T

PERJURY.

P E R J U R Y.

WHOEVER is sworn, and their Oaths prove ^{Ordi-} false, shall make Satisfaction by our Law, ^{nance} 1426 and to the Church, for Perjury.

PERSONAL ACTION.---(*See Action.*)

PETIT LARCENY.---(*See Felony.*)

PIDGEON.---[*See shooting.*]

P I G S.

Not to be suffered to ramble in the Streets.

[*See Streets.*]

PILLORY.---[*See Officers.*]

PINFOLD, or POUND.

Form of
pounding
Beasts

WHOEVER taketh any Man's Goods, and ^{Tempo-} bringeth them to the Pinfold, he shall send ^{ral Cus-} Notice to him that owneth the Beasts, to loose ^{tomary} them; And the Party that taketh the said Goods ^{Laws} must send to the Owner, with convenient Speed, ¹⁵⁷⁷ knowing the Owner; and the Owner not being known, to be called at the Parish-Church, on the next Sunday, or at the next Market. If that then he will not do as aforesaid, to give the Goods Water once a Day; and if they die, the Owner can have no Amends, for they are lost in his own Default.

A Half-

(39)

A Halfpenny per Foot for Beasts impounded, 1577
to go one Half to the Lord, and the other Half
to the Pinder.

Notice to be given to the Owner The Goods or Cattle of any Person trespassing on another Man's Ground, may be taken to the Pintold in the same Parish, by the Owner of the said Ground, his Family or Servants; giving the Owner of such Goods or Cattle sufficient Warning of the impounding thereof, to the Intent that he may relieve the same. Ordinance of Governor and Council 1583

Pinder's Dues For all live Goods impounded the Owner is, before Releasement, to pay a Halfpenny per Foot, to the Pinder or Warden (whose Fees are one Half thereof) and he is to account for the same every Year at the Debet Court, that the Lord's Part thereof may be estreated. Statute 1665

Pinfold to be kept in Repair The Pinfolds in every Parish are to be kept in Repair at all Times of the Year, or in Default thereof, the Parishioners to be fined as heretofore accustomed; and the same to be presented by the Great Inquest, upon the Proof or Complaint of the Pinder, or other lawful Proof or Complaint made; and the Course of repairing the Pinfold is to be according to the Rule of repairing Church-yards, which is done by the Tenant of every Treen, or Division of the Parish doing their particular Proportion. And it is ordered, that sufficient Pinders or Wardens, shall be nominated and sworn to deal truly therein; and to give a true Account of the Lord's Fee, every Year, and the Oath to be administered by the Deemsters, or by the Coroner or Lockman, before the four Members of the Great Inquest of the Parish: And in Case the Pinder be negligent in his Office, he is to be fined and punished, and removed from his Office, and another placed in his Stead, as aforesaid; whose Election is to be by the Captain and the four of the Great Inquest of the Parish, as they shall find just Cause for his Neglecting his Duty. Statute 1665

Pinder to be sworn By whom chosen. the Captain and the four of the Great Inquest of the Parish, as they shall find just Cause for his Neglecting his Duty. Statute 1665

Honesty and Ability, and convenient living near the Pinfold. And in Respect that one Pinfold in a Parish is too few, every Parish is at Liberty to erect another at their own Charges, which is to be used in the same Manner as the ancient Pinfold, to all Intents and Purposes.

Licence
to erect
Pinfolds

It shall be lawful for the Governor, at his Dis- Statute
cretion, upon Application made to him by the 1705
Farmers or Tenants of any of the Treens, within
the several Parishes, to give Licence to any, or
as many of them as he shall think fit, to erect, at
their own Charges, one Pinfold, in the most com-
modious Place in the said Treen, provided that
yearly at the Sheading Court, to be held for that
Parish, after Michaelmas, a sufficient Pinder be
sworn; and every such Licence is to be first en-
rolled in the Comptroller's Office.

BREAKING PINFOLD.-- [*See Beasts.*]

P O R P U S.--- [*See Whale.*]

PRESENTMENTS.---*See Church-warden,---
Costs,---Court Ecclesiastical,---Fees.*

BY THE GREAT INQUEST,
[*See Court of Common Law.*]

P R I S O N.

Malefac-
tors
breaking
Prison

IF any Person shall be found, and lawfully con-
victed of receiving any Malefactor, aiding and
assisting to break, or make his Escape out of,
Gaol, such Person or Persons so offending, shall
forfeit the Sum of twenty Pounds to the Lord of
this

this Isle: And whosoever shall be found and convicted of being any way active, in conveying and carrying any Malefactor off the Island, or aiding and assisting him in his Escape, agreeing with a Vessel, carrying Messages, or the like, such Offender or Offenders shall be fined in any Sum, not exceeding ten Pounds, to the Lord, besides three Months Imprisonment: And whosoever shall rescue any Person imprisoned, or in Execution for Debt, or be hereafter found, directly or indirectly, concerned in aiding or assisting any Debtor to escape out of Gaol, or to get off the Island, or in privately conveying or carrying off any Person indebted within this Island, such Persons, upon Proof made thereof, shall be liable to pay all the Debts which such Debtor owed in the Island, at the Time of his Departure, besides a Fine to the Lord, not exceeding three Pounds: but in case such Persons so offending as aforesaid, have not Effects to discharge the said Debts, then they shall be whipped in the four Market-towns, besides three Months Imprisonment: And if any Goods can be found, the same to be applied towards the Payment of the said Debts, as far as they will extend.

Statute
1737

PRISON FEES.---[*See Fees.*]

PROBATE.---[*See Will.*]

PROCESS.---[*See Fees.*]

PROCTORS.---[*See Tithes.*]

PRO.

PROVOKING LANGUAGE.

[See Battery.]

Q U A R R I E S.

[See Act of Settlement and Act explanatory thereof]

R A P E.

Punish-
ment for
a Rape

IF any Man take a Woman by Constraint, or force her against her Will, if she be a Wife he must suffer the Law for her. If she be a Maid, or single Woman, the Deemster shall give her a Rope, a Sword, and a Ring; and she shall have her Choice, to hang with the Rope, cut off his Head with the Sword, or marry him with the Ring.

Tempo-
ral Cus-
tomary
Laws
1577

MODE of PROSECUTION for the SAME.

[See Felony.]

REAL ACTIONS.---See Actions.]

R E B E L S.

RECEIVING FELONS.---[See Felons.]

R E C O R D.

THAT any Plea that is between Party and Party be written in the Court Rolls, that it may be of Record against such Time as the like Chance falleth, what Judgment was given in that Matter.

Ordi-
nance
1422

REGRATING.

R E G R A T I N G.---[See Market.]

R E G I S T R Y.---[See Marriage Act.]

R E N T,

Tenant's
Goods
not to be
taken in
Execu-
tion, un-
til one
Year's
Rent is
secured

Tenant
convey-
ing his
Goods

Lord's
Rent

NO Goods or Chattels of Tenants, being in Statute
any House or Houses, or upon any Lands or 1753
Tenements let for Life, or for one or more
Years, or otherwise, shall be taken by Virtue
of any Execution, or extended, unless the Party
at whose Suit the Execution is sued, do, before
the Removal of such Goods, pay the Landlord
one Year's Rent, if not already paid him; and
then the Party may proceed to execute his Judg-
ment, and the Coroner or other proper Officer
concerned to execute the same, is to levy and
pay the Plaintiff, as well the Money so paid for
Rent, as the Execution Money and Charges.
And if any Lessee, or Tenant, shall fraudulently
or clandestinely convey, assign, or carry off, or
suffer to be carried off, his Goods from the de-
mised Premises, with Intent to prevent the Land-
lord from distraining for his Rent, the said Land-
lord, or any Person by him employed, may, within
fourteen Days after his Rent becomes due, take and
seize such Goods wherever they shall be found,
as a Distress for his Arrear of Rent, and dispose
of and sell the same, as if such Goods had been
actually distrained upon the demised Premises;
nor shall any Sale or Assignment of a Lessee, or
Tenant's Goods, though for a valuable Consid-
eration, be deemed good against the Landlord's
Preference for one Year's Rent, unless there are
Goods left sufficient to pay the same: Provided
that this Act shall not prejudice the Lord of the
Island in levying his Rents, Debts, Fines, For-
feitures, or other Rights or Demands due to
him,

him, preferable to all others, as if this Act had 1753
 never been made; and if the Tenant's Goods
 should be removed any considerable Time before
 the Rent becomes due, whereby they might be
 secreted or made away, or clandestinely conveyed
 off the Island to prevent the Landlord from
 distraining, it shall in that Case be lawful for the
 Landlord to obtain the Deemster's Authority to
 lay them under an Arrest, to be forthcoming for
 the Rent, unless the Person that removes them
 will give Security to pay the Rent when the
 same becomes payable.

Arrest for
Rent

R E P U T A T I O N.---[*See Slander.*]

R E S C U E.---[*See Pinfold,---Prison.*]

R E S I D U U M.---[*See Intestate.*]

R I O T.---[*See Breach of the Peace.*]

S A C R A M E N T.

Offering-
Money ALL Persons that have received the Commu- Book of
Spiritual
Laws
 nion before, pay Two-pence every Easter,
 for four Offering-days: but if it be the first
 Time of receiving, to pay but an Halfpenny,
 which the Curate must have; and he to examine
 all such of their Belief.

God-
fathers,
&c. No Person shall stand Godfather or God- Statute
1704
 mother, until he or she hath received the Com-
 munion of the Lord's Supper.

(*See Children,---Clergy,---Marriage.*)

SALT.

S A L T.

Export-
ing Salt

Statute
1726

IT shall not be lawful for the Master or Mariners of any Vessel, or Boat, on any Account or Pretence whatever, to carry off this Island, or export from hence into any Part of Great-Britain, any Quantity of Salt exceeding two Bushels, for the Ship's Store, under Penalty that the Master, or any of the Mariners of such Vessel, or Boat, so carrying off the said Salt, or any other Person, or Persons, aiding or assisting therein, and lawfully convicted thereof, shall suffer three Months Imprisonment, and forfeit the Sum of thirty Pounds, two third Parts thereof to the Use of the Lord of the Island, and the other third Part to the Informer.

Penalty

S C H O O L.---[See Children.]

S E I Z U R E S.

WHEN any forfeit is seized within Full-sea-Ordinance of Use, the same to be certified to the Captain, the Lords with Speed, and then he to call the Officers and Commissioners Deemsters, and to commune and consult how it was seized; and if the Captain and Officers find the same lawful, then the Comptroller to enter the same in his Book of Records, as well as the Water-Bailiff, not only the Parcels, but also the Day and Year of the Seizure, and the same to be appraised by four substantial Men; so that if the same be claimed by any Person, or Persons, they may have the Law of the Island, or the Value thereof, if the Party come within a Year and a Day: and if the said Officers take the Goods to be clear forfeited, then they to cause the same to be sold and converted to the Lord's Profit, and the Water-Bailiff's Account.

To be
appraised

1561

U

SEQUES.

SEQUESTRATION.---[*See Action Real.*]

SERVANT.---[*See Master and Servant.*]

SETTING-QUEST.---[*See Act of Settlement.*]

SETTLEMENT.---[*See Act of Settlement.*]

S H E E P.

DOGS WORRYING SHEEP.---[*See Dogs.*]

STEALING SHEEP.---[*See Felony.*]

TRESPASSING.---[*See Trespass.*]

S L A N D E R.

IT is ordained, that after Slanderers or Defamers are found guilty, either in the temporal or spiritual Court, as the Matter shall be properly cognizable, the Person slandered shall not only recover his Costs by Action at Law, but also such further Damages as shall be suitable to the Injury sustained, and the Ability of the Defamer. Statute 1737

In all Complaints of Slanderous Words, the Party defamed, or any Informer of a Slander shall be obliged to make a Declaration of the Slanderous Words before a proper Judge or Magistrate, within fifteen Days after the speaking or uttering the same, in order to a Prosecution; otherwise, such Complaints of Slander shall not proceed at any time afterwards. Statute 1738

Com-
plaint to
be laid
within
15 days

LIMITATION

LIMITATION of ACTIONS for SLANDER.

(See Action Personal.)

SLANDERING OFFICERS AND KEYS.

[See Officers.]

S L A T E.

[See Act of Settlement and Act Explanatory.]

SMUGGLING.---[See Salt.]

S P E C I A L T Y.

IT shall not be lawful for the Courts or Magistrates of this Isle, or any of them to admit of any Obligor or Party Defendant's Oath, as Evidence against any Bill, Bond, Note, or other Specialty in Writing, to acquit himself from the Payment thereof, otherwise than by a proper Receipt or Discharge for the same. Statute 1738

ARREST FOR DEBT, DUE BY SPECIALTY.

[See Arrests.]

S P I R I T U A L C O U R T.

[See Court Ecclesiastical.]

S T A L L I O N,---[See Horse.]

S T R E E T S.

Streets to **ALL** Pavements in the several Streets in the Statute
be paved Market-towns, shall be even and regularly 1776
paved to the Middle of the Street, by the several
By whom Inhabitants or Proprietors adjoining the same,
U 2 within

To be
kept
clean

Statute
1776

Penalty

Pigs go-
ing thro
the
Streets

within one Month from the passing of this Act. And that the said Streets, and the Pavements thereof, shall, by Order of the Captain* once a Week, be swept clean by the said Inhabitants or Proprietors, and remain clear of and from all Dung, Filth, Lumber, Rubbish, or other Nuisance whatsoever. And in case any of the Inhabitants or Proprietors aforesaid, shall make Default or neglect herein, the Captain of such Town shall make Presentment thereof. And such Inhabitants shall, upon Conviction, before the Governor, Lieutenant Governor, or a Deemster, be fined ten Shillings, with Costs: And in case any Captain or Captains of Towns shall neglect to make such Presentment, he or they shall, upon Conviction, as aforesaid, be fined in the Sum of ten Shillings for every such Neglect; one Half to the Informer, and the other Half to be applied as herein after directed. And if any Person shall permit or suffer his or her Pigs to go at large through the said Streets, and be convicted thereof, as aforesaid, by the Testimony of one Witness, the Owner or Owners shall be amerced in the Sum of one Shilling and Two-pence for each and every such Pig so left to go at large through the said Streets, as aforesaid, with Costs, which Amercements shall be levied as herein before directed, and applied towards the Improvement of the Market-place of such Town, wherein the same shall be levied, as aforesaid.

* Note—This Duty now belongs to the Office of High Bailiff.

STURGEON.---[See *Whale.*]

SUITS.---[See *Actions*,---*Costs.*]

SUMNER.

SUMNER.

Sumner's **WHEREAS** the Sumner, Parson, and Clerk, take **Spiritual**
Dues & Pains in gathering Tithe-wool and Lambs, **Customa-**
Duty ry Laws
 having with them a Horse a-piece, and a Sack,
 then each of them to have one choice Lamb,
 and one Fleece of Wool, paid out of the Tithe;
 and as touching the Sumner's Duty of Corn, he
 must have a Band of three Lengths, of three prin-
 cipal Corns, portion-like, paid from every Hus-
 bandman; and he must call, within the Church,
 with the Advice of the Vicar or Curate, all such
 Things as he is requested of the Parish, that are
 gone or lost; and also, stand at the Chancel Door,
 in Time of Service, to beat the Dogs out.

Also, when the Sumner is required by the Or-
 dinary, to bring any Offender to Prison, he hath
 for his Pains Four-pence, and likewise the Porter
 Four-pence of the same Offender; and when any
 is disobedient to the Sumner and Ordinary, then
 the Ordinary hath been used to send to the Consta-
 ble of Peel, who presently ought to send a Sol-
 dier to take him to the Bishop's Prison.

[See Court Ecclesiastical.]

SUMNER - GENERAL.

WHEN the Ordinary sends a Citation abroad, **Spiritual**
 for the keeping Courts, Chapters, or other **Custom-**
 weighty Matters, the Ordinary to send to the **ary Laws**
 General-Sumner, and he to send them with Speed
 abroad.

SUNDAY.

Prophan- **IF** any Person pay or receive Money on a Sun- **Statute**
ing the day, he shall be liable to ecclesiastical Censures, **1703**
same and always be presented for the same.

[See Children,---Church-warden,---Clergy.]

NO TYNWALD OR FAIR to be held on SUNDAY.

[See Court of Tynwald,---Market.]

SURVEYOR.---[See Highways.]

TENANT.---[See Rent.]

TITHES.

Tithe-Corn **TITHE** Corn shall be received by the tenth Spiritual Stook, and for carrying it away, the Parson or Customary Laws Proctor is at Liberty to carry it the next Way, keeping the Husbandman harmless, making the Ditch as able as he found it.

And Hay No Husbandman to lead any Corn or Hay before sufficient Warning be given to the Parson, Vicar, or Proctor, when the Corn and Hay are sufficiently dry, and fit to be stacked.

Secreting Tithes, &c. And if any Man convey, purloin, or hide, any Corn in Houses or elsewhere, to defraud the Tithes, then the Parson, Vicar, or Proctor, to be restored threefold. But in case he want to thresh any Corn for Necessity, then to take with him two honest Men, who will testify the Tithe thereof to be truly paid.

And if any do lead or stack their Corn in Contumacy, or not agreeing with the Parson, Vicar, or Proctor, for the Tithe thereof, then the Sumner, at the Appointment of the Ordinary, with two honest Men or more to cast down the Stacks, and take forth their Tithes; and the Husbandman to make good the Charges, for casting down the Stacks, and making them up again, and further to be punished at the Discretion of the Ordinary.

Flax and Hemp dinary. All Tithe-flax and Hemp to be brought to the Parish Church, and the Seed thereof. Spiritual
Customs-
Laws

Sheep, Lambs, & Wool Every one to bring unto their Folds, all their Sheep and Lambs at such Time as the Parson, Vicar or Proctor, shall appoint, either in the latter End of May, or else in June; to pay truly their Tithe-lamb and Wool, that is to say, out of eight, one Lamb, and so out of nine, ten or twelve, but one Lamb; provided if the Husbandman pay one Lamb or more, he shall have the choice of two Lambs, and then the Proctor where he pleaseth of the Rest.

If the Husbandman hath but five Lambs, then he shall choose one Lamb, and the next to the best the Proctor shall appraise, and the Husbandman shall give or take, and if there be but two or three Lambs, then to pay a Halfpenny each: and any that hath wild Sheep or Lambs, that cannot be brought into the Fold, then the Proctor hath been used to depose them upon a Book, what Wool and Lambs they may have, and so to pay truly the Tithe thereof.

And whoever doth convey or hide his Lambs, from Place to Place, or from Parish to Parish, to deceive the Church, then Restitution to be made threefold.

**Small
Tithes,
&c.**

**Purs,
Calves,
& Colts**

That all Proctors ought at Martinmas, to put in a Book, all small Tithes within the Parishes, that is to say, Purs, Calves, and Colts, and to receive them from the Husbandman at Easter; and out of eight, nine, or ten, one Pur; and out of twelve, but one Pur; and in like Manner of Calves and Colts; provided always, that the Husbandman shall choose one or two out of the Whole of the best, when he payeth one or more Purs, Calves, or Colts.

Also, when any Man hath but five Pors, Calves ^{Spiritual} or Colts, then the Husbandman shall have one ^{Customary Law} Choice, and then the Proctor to make the next, and the Husbandman to take or give: And if the Husbandman hath but three Calves, he shall pay out of every One a Halfpenny, and out of three Colts Three-pence.

Lambs Whereas the Proctor hath not had of six or seven Lambs, but Half a Lamb, then he may take out of the four Lambs, a Half; in like Manner of Pors, Calves, and Colts.

Geese & Eggs Concerning Tithe-geese, they are to be taken after the same Order, and most commonly taken in the Month of December; and as for Tithe-Eggs, they are to be taken at Easter, and are the Beginning of the annual Fruits next ensuing; for every Hen one Egg, and for the only Cock two Eggs.

Honey and Wax Also, concerning Honey and Tithe-wax, if there be eight, nine, or ten Hives, of that Year, then the Husbandman shall have two Choices, or out of Twelve, and the Proctor shall have the third choice Hive, for Tithe; and if in case there be but five Hives, the Husbandman shall have one Choice, and the Proctor to appraise the next, and the Husbandman to give or take; but when there is but two or three Hives, then after the Honey and Wax are purified, they shall take the Tithe thereof, justly and truly; whereas the Proctor hath not had, out of six or seven Hives, but half a Hive, then he may take out of four Hives, half a Hive: And whereas Parsons and Proctors, having Tithes that are far off, and cannot conveniently bring them home, it hath been accustomed to draw and stack the same in the Husbandman's Hagyard, without Trouble or Let.

Tithes far off

Tithe-
Butter,
Cheese,
& Milk

No Tithe-butter, or Cheese, shall be paid hereafter ; but in lieu thereof, the Farmers and Others who ought to pay such, shall, at Easter, when they account for their other Duties to the Church, pay Four-pence for every Cow which had a Calf that Year, and Two-pence for every Farrow Cow which had no Calf, but gave Milk since the Easter before ; and a Penny out of every four milch Sheep ; and a Penny out of every two milch Goats. And the Vicars of Third and Pension, who used to have a choice Cheese, to have, in lieu thereof, the Monies due for the Tithe-Cheese and Butter, of a choice House in the Parish

Spiritual
Customary
Laws

Manner
of lead-
ing
Tithe-
Corn &
Hay

The Parson, Vicar, and Proctor of every Parish, shall acquaint the several Farmers of the Parishes with the Names of their under Proctors, or Deputies, who are to receive the Tithes. And this to be done in the Month of July before the Harvest begins ; and when the Time of Harvest is come, the Farmer is to send Notice to him or them, who are to receive the Tithe-Corn, the Evening or Day before such Farmer intends to lead his Corn ; and then if the Parson, Vicar, or Proctor, or the under Proctor, come not to take the Tithe-corn according to the Warning so given, the Farmer is to take two Neighbours to justify with him, that he hath left his due Tithe : such Warning to be given at the Parsonage, Vicarage, or Proctor's House, who is to receive the Tithes, if there be any such in the Parish. And if it be a Stranger of another Parish, or a Layman of the same Parish, such Stranger or Layman shall, before the Time of Harvest, acquaint the Farmer at what House in the same Parish the Farmer shall give or leave such Notice, that his Corn is ready for leading, or that he intends to lead the same ; and the like Order to be observed for Tithe-hay.

Small
Tithes
and Of-
fering-
Money

The Minister, or Proctor, to whom the small Tithes and Offering-money belong, shall sit in the Parish Church, on Monday and Tuesday in Easter-week, after the People have received the Communion, there to receive their Dues ; and whosoever shall not pay the same on one of those Days, the Minister and Proctor shall proceed against them by Citation, before the Ordinary, or his Officers ; and that in such Cases the Minister and Proctor shall have the speediest and strictest Course that may be, from the Ordinary, for the Recovery thereof.

Statute
1643

RIGHT of TITHE.---(*See Court of Exchequer.*)

TITLE of LANDS.---(*See Action Real.*)

TRADESMAN.

When to
begin &
leave off
Work

TRADESMEN and Laborers labouring by the Day, shall, from the twenty-fifth of March to the 29th. of September, come to their Work by six o'Clock in the Morning, and not leave off or give over Work until six o'Clock in the Afternoon ; and from the 29th. of September to the 25th. of March, to come to Work at Sunrise, and not to give over till Sunset, except it be Taylors and Shoemakers, who work with Meat and Drink by the Day, they are to work till eight o'Clock both Winter and Summer.

Statute
1691

Tradesman's Costs as a Witness.---(*See Costs.*)

TRAVERSE.

When to
be enter-
ed and
prose-
cuted

NO Traverse shall be accepted of, unless the same be entered within the Space of twenty-one Days after the giving in of the Verdict, and the Party traversing shall prosecute the same so as to bring the

Statute
1665

Cause the Traverse-Jury to a Verdict within the Time li- Statute
1665
mitted ; otherwise it shall be lawful for the Court
to nonsuit him, and to charge the Fine to the
Lord's Use, if there appear not good Cause to the
Court to mitigate the same : Provided if it hap-
pens and doth appear that the same fell out upon
some extraordinary Occasion, either in Respect
of Sickness, Insanity, or other lawful Impedi-
ment, then it shall be lawful for the Governor,
or either Deemster, to grant a further Respite of
Time, at Discretion ; and this Rule to be held
in every Degree of Traverse.

In Case any Party finding himself aggrieved by Statute
1737
the Verdict of the first Jury, should enter a Tra-
verse within the Time already limited by Law,
such Person or Persons shall hereafter be obliged
to prosecute the same with Effect, so as to bring
the Traverse-Jury to a Verdict, within the Space
of three Months from such Entry, except the
Governor or either Deemster, shall, upon lawful
Cause shewn, grant further Time, not exceeding
three Months longer ; but not to suffer any wil-
ful or unnecessary Delays in any Cause, or upon
any Account whatever.

*(See Court of Common Law,---Great Inquest,---
Trespass.)*

TREASURE-TROVE.

Hidden Treasure **ANY** Treasure whatsoever, being found and Ordi-
nance of
the
Deemf-
ters and
Keys
1583
secretly hidden under Ground, either in the
House or out in the Fields, or in the Thatch of
the House, or within any covert Place, to the
End to defraud the right Heir, or for any other
fraudulent Purposes, shall be the Lord's, as his
Prerogative : Provided that any Man for the
Safeguard of his Goods from the Enemy, or from
any other Mischance, may, without Danger of
this Law, lay up his Treasure in any such Place,
making

Exception

V 2

making his Child or other Friend privy thereto : Ordinance
and such Child or Friend may lawfully receive 1583
such Treasure, and deliver the same to the right
Owner ; and that the Party claiming be able to
prove it by one sufficient Witness at the least,
though he be Brother, Sister, or any other Kins-
man, or Friend, not detected of any notorious
Crimes.

T R E E S.

Cutting or spoiling TREES.---(See Trespass.)

T R E S P A S S - A C T.

Trespass and Petty Larceny | T is Enacted, that hereafter in all Complaints Statute
of Petit Larceny and Trespass whatsoever, 1753
clandestinely committed by Persons, Horses,
Sheep, or other Cattle unknown, the Party Com-
plainant may apply to, and it shall be lawful for
the Governor, Deemsters, or other Magistrates
of this Isle, who have Jurisdiction of Inquiry,
as it appertains unto them in their several Sta-
tions, to grant the said Party injured, a Process
to the proper Officer, for a Jury of Inquiry, to in-
quire of, and discover the Offender, or Offenders,
who did the Fact complained of, by Examina-
tions upon Oath, in Manner following : That
is to say, upon such Complaints of Petty Lar-
ceny, in all Things left to the Valuation of a
Jury, by the Statute made in the Year 1629, and
other Instances of such like Nature, the Method
of Proceeding shall be, and shall be understood
to be, that all suspected Persons and Others,
who shall be summoned to the Jury of Inquiry,
(which in that Case is to consist of six Men,)
shall be examined upon Oath, and shall be ob-
liged to give their Oaths in Relation to the
Committing of the Fact inquired of, either by
themselves

themselves or Others. And if any Person or Statute
Persons conscious of his or their own Guilt, 1753
shall wilfully refuse to give such Satisfaction
upon Oath, for the Discovery of the Offenders, he
or they so refusing, shall be held as guilty of the
Fact: or if the Larceny, upon Inquiry, shall hap-
pen to be found by the Jury, in either Case they
shall verdict and leave the Offender, or Offen-
ders, to be fined and punished at the Discretion
of the Court. Provided always, and Be it fur-
ther Enacted, that if the Larceny in Question
shall appear or turn out to be Grand Larceny
to the Amount of Six-pence Halfpenny, by the
Valuation of the Jury, the same Jury shall then
proceed by Way of Inquisition for Felony, and
upon Proof, Confession, strong Presumption, or
strong Suspicion, supported by good and pre-
vailing Circumstances, shall indict the Offender
according to the common Course of Law, and the
Oath at first given them shall be to the Tenor, Ef-
fect, and Purpose of this Act, any Thing contain-
ed in the said Statute of the Year 1629, or any
other Law or Custom to the Contrary notwith-
standing.

Grand
Larceny

Indict-
ment

Clandef-
tine tref-
pass

And in Complaints of Trespas of the Nature
aforesaid, all suspected Persons and Others, and
all Owners of Horses, Sheep, or other Cattle,
summoned or charged to the Jury of Inquiry,
(which in that Case is to consist of four Men)
shall and are hereby obliged to give their Oaths
in like Manner, for the Discovery of the Tref-
passers who committed the Trespas complained
of, whether it be by themselves, or Others, or by
their own Horses, Sheep, or Catle, or those of
Others; and if any refuse, he or they so refusing
shall be deemed guilty thereof. Or if the Tref-
pass be found by the Jury, they shall verdict, and
in either Case leave the Offenders to the Discre-
tion of the Court, to be fined with Damages of
four Times the Value, to the Party injured, esti-
mating

mating the same to the full Worth, at their Pe-
 ril; provided always, and be it further enacted,
 that if the Complaint be for cutting, spoiling,
 or destroying, any Tree, or Plantation of Trees,
 or any Set, Plant, or Graft, or for throwing down,
 or breaking into, any Inclosure or Inclosures, with
 or by their Cattle, Horses, or other Goods, by
 Night or by Day, or other wilful Trespas; or if
 any Person or Persons shall, on purpose, or by
 want of due and proper Care, suffer their Cattle,
 Horses, or other Goods, to stray or wander out
 in the Highway, or other Place, in the Night-
 time, whereby they become Trespasgers on their
 Neighbours; or if any other secret or uncontion-
 able Trespas or Trespasges shall be done or com-
 mitted (in all which Cases the suspected Offen-
 der or Offenders, if thereunto required, shall be
 obliged to give Oath, as aforesaid) then such Of-
 fender shall not only incur a severe Fine to the
 Lord; but shall also for every Tree, Set, Plant,
 or Graft, so cut, spoiled, or destroyed, pay the
 Party injured twenty Shillings, for extraordinary
 Damage, and ten Shillings extraordinary Damage,
 for every such other clandestine or wilful Tref-
 pas so committed as aforesaid, over and besides
 the fourfold Damages, abovementioned: Pro-
 vided that every Person or Persons who shall
 maim, or otherwise maliciously hurt Cattle or
 other live Goods, be proceeded against by Pro-
 cess of Inquiry by a Jury as before; and upon
 Proof, Confession, or Refusal, to clear themselves
 upon Oath of the Fact, it shall be lawful for the
 Jury to find the Offender or Offenders guilty, and
 to leave him, her, or them, to the Court's Mer-
 cy, for a Fine and Punishment, as formerly, with
 fourfold Damages to the Party aggrieved, as be-
 fore directed by this Act. And be it further en-
 acted by the Authority aforesaid, that all and
 every the Damages before-mentioned shall be re-
 coverable by Execution, from the Judge, Court,
 or

Destroy-
 ing Trees
 &c.

Fine and
 extraor-
 dinary
 Damage

Maiming
 or injur-
 ing
 Beasts

Fine &
 Punish-
 ment
 Damages

How to
 be reco-
 vered

or Magistrate concerned, upon Sight of a Copy of Statute
the Verdict from Record, and levied by Way of 1758
Distress of the Goods and Chattels of the Offenders, without further Suit or Action. Provided
Traverse nevertheless, that any Person finding himself aggrieved, may be allowed to traverse such Juries' Verdicts, according to the accustomed Course of Proceeding in such Cases.

TROVER.---[See *Action Personal.*]

TURBARY.

[See *Court of Common-Law*,---*Forest.*].

VAGRANT.

THAT Irish Women, loitering and not working be commanded forth off this Isle with as much convenient speed as may be; and no Boat be suffered to bring any of the said loitering Persons into the said Isle, but that the Master of the said Boat, upon Pain of forfeiture of his Boat and Goods, after Warning given, take the said Persons off again. Order of Commissioners 1561

VEAL.---[See *Market.*]

VERDICT.

Verdicts to be received in presence of Parties **IT** is enacted, that the Verdicts of all Great Inquests, Setting-Quests, and Slander-Juries, shall, for the Time to come, be delivered and received in the Presence of both Parties, or their Agents or Attornies in public Court, as anciently accustomed, or by the proper Magistrate or Magistrates out of Court, but that to be likewise made known unto, and done in the Presence of, the Statute 1737

the Parties, or their Agents or Attornies, who for ^{Statute} that Purpose are to attend at the Courts as well ~~as~~ as before such Magistrates, when such Verdicts are to be taken to make their Objections, if they have any, otherwise, the same to be received, and the Proceeding to go on, in his or their Default.

[See Court of Common-Law,---Felon,---Great-Inquest-Jury.]

U S U R Y.

NO Person upon any Contract, shall take, directly or indirectly, for Loan of Money, Wares, Merchandize, or other Commodities, or for any corrupt Loan, Exchange, Bargain, Mortgage, or any other deceitful Way or Means, or other Doings whatsoever, above the Value of six Pounds, for the Forbearance of an Hundred Pounds for a Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time: and that all Bonds, Contracts, or Assurances whatsoever, for Payment of any Principal or Money, to be lent or covenanted to be performed, upon or for any Usury, whereupon or whereby there shall be reserved a greater Interest than aforesaid, shall be utterly void. And if any Person shall do any Act or Thing contrary to the Tenor of this Act, he shall forfeit for every such Offence to the Lord of the Island, the treble Value of the Monies, Wares, Merchandize, or other Thing lent, bargained, sold or exchanged.

*Statute
1691.*

W A R N I N G.

[See Curate,---Master and Servant.]

WATCH

WATCH AND WARD.

Neglecting Watch WATCH and Ward shall be kept throughout the Land, as it ought, upon Pain of Life and Limb; for whosoever faileth any Night in his Ward, forfeiteth a Wether to the Warden; and to the Warden the second Night, a Cow; and the third Night Life and Limb.

Ordi-
nance
without
Date

[Which is afterwards, upon a Question put thereon, by the Governor, to the Deemsters and Keys, thus explained.]

If any Party fail, and do not come to his Watch, and the Warden do appoint another in his Room, to forfeit according to this Statute.

Ordi-
nance
1594

Watch and Ward upon the Ports and Sea-coasts to be well and duly kept, and whosoever fails, he forfeits all his Goods unto the Lord, and his Body at the Lord's Will.

Ordi-
nance
1422

[Which upon a Question put thereon by the Governor to the Deemsters and Keys, is thus explained.]

If the Party be in the Place, whereat he should watch, and after the Watch set, go away before the ordinary Time without Consent of the Warden, to forfeit Body and Goods to the Lord.

Ordi-
nance
1594

Warden neglecting his Duty If the Wardens do not their Duty according to the Captain's Direction, they are to be punished at his Discretion.

Forfeiture to the Warden There is no Forfeiture to the Warden unless he appoint one instead of another. All other War-Forfeitures are to the Lord.

Watch to be Persons of Discretion Watch and Ward shall be kept according to the strict Order of Law, and none shall be sent thither, but such as are of Discretion and able to observe to be careful: and the Night-watch shall

Ordi-
nance of
Governor and
Office
1594

Night
Watch
Day
Watch

shall come at Sun-set, and not depart before Sun-rise; and the Day-watch come at Sun-rise, and not depart before Sun-set. Ordinance 1594

W A T E R - B A I L I F F .

THE Water-Bailiff to have his Deputy in every Haven, to make a Defence in all Causes, and to make the Profits thereof, if any Forfeit happen in the Lord's Behalf; and to write what Goods are taken out of the Country, and what brought in. Ordinance of Deemster and Keys 1422

W A T E R - C O U R S E .

[See Great-Inquest.]

W A Y S .

WHEN a Man comes to the Deemster to complain that he wants a Highway from his House to the King's Highway, he ought to drive as far as he may upon his own Ground, and then he ought to have a Way upon his Neighbour, and that ought to be eighteen Feet broad: and if his own Ground come to the Highway, he can have none of his Neighbour's; for altho' he wanteth the nearest Way, he ought not to have it but in that Order. Temperal Customary Laws 1577

[See Highway.]

W E I G H T S and M E A S U R E S .

How fixed and regulated

ALL Weights and Measures used for buying or selling in this Island, shall be according to the Standard of his Majesty's Exchequer in England, and a Standard thereof shall be kept at Castle Rushen, by the Regulator of Weights and Measures, who shall be appointed by the Governor; Statute 1777

Governor; and Sets of the like Weights and Measures shall be delivered to, and kept by, the High-Bailiffs, in their respective Districts: And all Weights and Measures used within such Districts, shall be compared and regulated thereby, and stamped by such High-Bailiffs; for each of which so compared and stamped, the High-Bailiffs shall take the Fee of one Penny. And each High-Bailiff, with the Assistance of one or more petit Constables, is required to inspect the Weights and Measures made Use of in his District, from Time to Time, four Times in the Year, at least. And in case any Person shall make Use of any Weight or Measure, not stamped as aforelaid, or any Weight or Measure, which shall, upon Examination, be found deficient, according to the Standard aforelaid, such Weight or Measure shall be forthwith renewed, or broken and destroyed. The Offender and the Offence shall be reported in Writing, by the said High-Bailiff, to the said Regulator, and the Person or Persons offending, by using such unlawful or defective Weights or Measures, shall thereupon severally forfeit for the first Offence, the Sum of ten Shillings, and for the second Offence, twenty Shillings, and for the third Offence, three Pounds; and for every Offence thereafter, such Offender or Offenders shall severally be subject to a Fine, not exceeding the Sum of five Pounds, or Imprisonment, not exceeding one Month, which said several Forfeitures or Fines shall, by Order of the Governor, or Lieut. Governor for the Time being, be forthwith levied by Execution and Distress, and paid into the Hands of the said Regulator of Weights and Measures, and be by him distributed among such High-Bailiffs, petit Constables, and others, employed in the carrying of this Clause of the Act effectually into Execution, in such Manner, Shares, and Proportions, as the Governor of this Isle, for the Time being, shall

High-Bailiff's
Duty respecting
the same

Making Use of
unlawful
Weights
and Measures

Penalty

for that Purpose direct and appoint. And the said Statute
Regulator of Weights and Measures is hereby re- 1777
quired to keep a Book, and make Entries therein
of all Proceedings and Transactions which shall
occur in his Department, as aforesaid, for the
Examination and Inspection of all and every Per-
son and Persons whom it shall or may concern.

W H A L E S.

Porpus
Sturgeon
and
Whale

IF any Porpus, Sturgeon, or Whale, be taken
within the Heads of Man, they be the Lord's
by his Prerogative.

Ordi-
nance of
Deemf-
ters and
Keys
1422

W I D O W.

[See Baron and Feme,---Intestate.]

W I F E.

[See Adultery,---Baron and Feme.]

W I L L.

Legacy to Children IF any make their Testament, and leave not Six- Spiritual
pence Legacy unto their Children unmarried, Customa-
legitimately begotten, or the Value thereof, then ry Laws
the Ordinary may lawfully make him or her Ex-
ecutors with the Rest.

If there be any Man or Woman that mislike
their Children's Behaviour, the Parties making
their Will before sufficient Witnesses, if they
do bequeath to their said Children but Six-
pence, they can claim no more for their Child's
part of Goods.

Tempo-
ral Cus-
tomary
Laws
1577

Time of Probate It is Ordered, that the Probate of every Will and making Decrees of Deceadents' Goods, shall be fully performed and effected within the Time and Space of three Months next, after the Decease of the Party, upon Pain of Fine and severe Punishment on the Parties that shall fail, after due and lawful Notice, and Summons given, by the Officers of the Spiritual Court, appointed in such Matters : and therefore, that Spiritual Officers take special Care for the Observance of this Order, Statute 1665

Nuncupative Will It is Enacted, that no Nuncupative Will shall be valid whereby Lands are devised, or personal Estate bequeathed, that is not proved by the Oaths of two Witnesses, at the least, who were present at the Making thereof; and that the Testator at the Time of pronouncing the same, being of sound and disposing Mind, Memory, and Understanding, did bid the Persons present, or some of them, bear Witness that such was his Will, or to that Effect : And that six Months after the Testator's Speaking the pretended testamentary Words, no Testimony shall be received to prove any Nuncupative Will, except the said testamentary Words, or the Substance thereof, were committed to Writing within ten Days after the Making and Publishing of the said Will; and that no Letters testamentary, or Probate of any Nuncupative Will, shall be granted by the Court, till fourteen Days, at the least, after the Decease of the Testator, be fully expired. Nor shall any Will whatever, be at any Time received, unless Notice has been given to call in the Widow, Relict, or next of Kindred, to the End that they may object, if they please : nor shall any Will in Writing, concerning any Goods or Chattels, real or personal, be revoked or altered, in the Whole, or in Part, by any Nuncupative Will, except the same be in the Life-time of the Testator, committed to Writing. Statute 1777

Writing, and read to him, or her, and allowed Statute
of approved of; and so proved by the Oaths of 1777
two Witnesses, at the least.

FEES of PROBATE.---[See Fees.]

WITNESSES.---[See Costs.]

WOUNDING.---[See Battery,---Beasts.]

WRECK.

IF any Vessel or Ship, or other Goods, be em- **Ordi-**
bayed within the Heads of Man, above Wa- **nance**
ter, or under Water, they are the Lords by his **1422**
Prerogative.

[See Court of Common Law.]

YEARS.---[See Calendar.]

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F I N I S.

E R R A T A.

Page 14. line 5. for "holden" read *bolder*,---l. 30, for "fraudalent," read *fraudulent*,---p. 16, bottom line, after "reserved," read *to his Lordship and his Heirs, as a*,---p. 17, l. 13, leave out "and,"---p. 22, in the margin, for "Statute 1736," read *Statute 1737*,"

* * Note *this Statute was passed in the Year 1736, but not promulged until the Year 1737; wheretore it is more properly called, a Statute of the year 1737: and wherever "Statute 1736," is mentioned in the foregoing work, it should be read Statute 1737.*

Page. 34, l. 13, after "thereof," read as follows :

Purcha- sed lands Wills Sale Mort- gage Lands of Inheri- tance. Lease	Provided also that nothing in this Act shall exclude or restrain the Purchaser or Purchasers of such purchased Lands, or acquired Premises, from granting or devising the same as he, she, or they, shall, by Deed or Will, think proper : And provided also that nothing herein contained shall preclude or prevent the Proprietors of Lands of whatsoever Nature or Tenure, from selling or alienating such Lands and Premises, by Deed, duly executed, for a full and valuable Consideration, as heretofore accustomed ; or lessen the Rights of Mortgagees in any Houses, Lands, or Tenements, or of any Persons possessed of leasehold Estates, for a Term or Term of Years, or prejudice just Creditors ; but that such Houses, Lands, and Tenements shall be held and enjoyed by them, according to their respective Claims, Rights, and Interests therein. And it is further enacted that all and every Person and Persons, being seized of any Lands of Inheritance, shall be, and are hereby impowered to grant a Lease of the whole, or any Part of such Estate of Inheritance, for any Term not exceeding twenty one Years in Possession, and that the highest and most improved Rent be had for the same.
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Statute
1737

E R R A T A.

Page 68, l. 26, for "fill," read *file*,---l. 31, for "the Place," read *the last Place* -----p. 81, at the top of the leaf, read, *For recording every Setting Quest's Division, and a Copy thereof, if the Party desire it, 8d.*---p. 97, l. 29, for "empannelled," read *impannelled*,---p. 99, l. 8, after "Ground," read *of any Infant*,---l. 12, leave out "*same*,"---p. 101, l. 32, for "of Judgment," read *or Judgment*,---p. 115, l. 27, leave out "*or*,"---p. 117, l. 21, for "about or adjoining," read *abut or adjoin*,---p. 122, l. 27, for "or Persons," read *if Persons*,---p. 132, l. 11, for "Parish," read *Parish*,---p. 133, l. 20, for "thereupon," read *therefrom*,---p. 135, l. 17, for "endicted," read *indicted*,---l. 19, for "south," read *fourth*,---p. 139, l. 26, for "Tenant," read *Tenants*,---p. 145, bottom line, for "and," read *in*,---p. 146, after Title "Sheep," read as follows:

S H O O T I N G.

<p>Game</p> <p>Penalty</p> <p>Mode of Prosecution</p>	<p>IT is enacted, that none shall hereafter presume to carry about a Gun to fowl, shoot, kill, or destroy the Lord's Game, without the Governor's Licence, in Writing, first had for the same, upon Pain of forfeiting three Pounds; one Half to the Lord, and the other Half to the Person informing against, or presenting the Offence in Manner hereafter directed by this Act. And for the better Discovery of such as shall transgress herein, It is further enacted, that the Method of proceeding upon this Act, shall be by Information upon Oath, or Presentment made unto the Court, by a Jury of Inquiry of four Men, to be impannelled and sworn in every Parish, yearly, after Midsummer, by the respective Coroners, to inquire of, and jointly or severally make Presentments in the</p>	<p>Statute 1748</p>
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E R R A T A.

the Premises, as Occasion shall require, in Statute
 which they shall use the r utmost Diligence, as 1748
 they will avoid a Fine of five Shillings a-piece
 for every Default or Neglect; and that the
 Coroners and Lockmen are also hereby obliged
 to inquire of and make Informations or Pre-
 sentments against Contemners of this Act;
 and if any of them shall be found to fail
 therein, they shall be fined at the Court's Dis-
 cretion, for every Default, or Neglect, and
 that it shall be lawful for all Others, as well
 as those already mentioned, to make Informa-
 tions on this Act; and that upon every such
 Information upon Oath, and Presentment
 made, the Offender, or Offenders, being first
 heard, shall be condemned by the Judgment
 of the Court in the Penalty before mentioned;
 and that the Jury, or any of them, present-
 ing, or any Coroner or Lockman obliged to
 give Informations, or make Presentments as
 aforesaid, shall be intitled to the Moiety of
 the Forfeiture, as any private Persons should
 or could be by Virtue of this Act: And that
 none shall carry about their Guns, to shoot
 Pidgeons, Partridges, or Growse, under the
 Penalty of twenty Shillings, on Proof or Pre-
 sentment made thereof in Manner before men-
 tioned.

Pidgeon
 Partridge
 and
 Growse

Page 148, l. 25, for "left," read *let*,---in the margin,
 for "1703," read 1704,---p. 152, l. 3, for "maise,"
 read *praise*---p. 157, l. 17, leave out "*strong*,"---
 p. 158, l. 14, for "uncontionable," read *unconsciona-*
ble,---p. 165, l. 7, for "embayed," read *imbayed*.

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